“Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. 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 an 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*

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**Political Science 4020**  
**American Constitutional Law**  
**Fall 2013**

**Instructor:** Jacob Seigler  
jakewf@gmail.com  
Stubbs 330

**Class Hours:** Monday & Wednesday, 4:30—5:50 (Turcaud Hall, rm. 215)  
**Office Hours:** Monday & Wednesday, 6:00—7:00 (Stubbs, rm. 330), and by appointment

**Course Requirements:**
- [20%] Daily quizzes (open-book) on the assigned readings  
- [25%] Case briefs  
- [25%] Midterm exam (Wednesday, October 16)  
- [30%] Final examination (Monday, December 9, 5:30-7:30 PM)

***Attendance at every class is both necessary and expected

**Required Textbook:**  

**Website:**
The Moodle website for this course will provide students with access to complete Supreme Court decisions, additional course materials and information, and course grades.
Syllabus

I. Introduction: Constitutional Government & Law

Mon., 8/26 Introduction

Wed., 8/28 Gillman, Graber, & Whittington (G,G, & W), pp. 3-26

Mon., 9/2 Labor Day

II. Establishing the Constitution & Constitutional Law


Cases: Calder v. Bull (1798)
Marbury v. Madison (1803)

Cases: Martin v. Hunter’s Lessee (1816)
McCulloch v. Maryland (1819)

Mon., 9/16 G,G, & W, pp. 139-166
Gibbons v. Ogden (1824)
Chisholm v. Georgia (1793)


III. Constitutional Development & Constitutional Crisis

Mon., 9/23 G,G, & W, pp. 185-221
Cases: Luther v. Borden (1849)
Prigg v. Pennsylvania (1842)
Dred Scott v. Sandford (1857)

Cases: Wilson v. Black Bird Creek Marsh Co. (1829)
City of New York v. Miln (1837)
Cooley v. Board of Wardens (1852)
Worcester v. Georgia (1832)
IV. Reestablishing Constitutional Law

Mon., 10/7  G,G, & W, pp. 319-354
Cases:  Slaughter-House Cases (1873)
        Frothingham v. Mellon (1923)
        Civil Rights Cases (1863)

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)
        Missouri v. Holland (1920)

Cases:  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)

Wed., 10/16  Midterm Exam

V. Constitutional Revolution & Consequences

Cases:  United States v. Carolene Products (1938)
        Cooper v. Aaron (1958)
        Flast v. Cohen (1968)
        Baker v. Carr (1962)
Cases:  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)  

Mon., 10/28  Reading TBA  

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)  

Mon., 11/4  G,G, & W, pp. 513-543  
        Laird v. Tatum (1972)  
        National League of Cities v. Usery (1976)  
        Shapiro v. Thompson (1969)  

Cases:  United States v. United States District Court (1972)  

VI.  Constitutional Restoration or Continuing Revolution?  

Cases:  South Dakota v. Dole (1987)  
        Garcia v. San Antonio Metro Transit Authority (1985)  
        Immigration & Naturalization Service v. Chadha (1983)  

Cases:  Bowsher v. Synar (1986)  
        Morrison v. Olson (1988)  
        City of Boerne v. Flores (1997)  
        Massachusetts v. Environmental Protection Agency (2007)  

Mon., 11/18  Reading TBA
        Gonzalez v. Raich (2005)  
        Printz v. United States (1997)  
        Alden v. Maine (1999)


Wed., 11/27  Thanksgiving Holiday

Mon., 12/2  Reading TBA

Wed., 12/4  Reading TBA

Final Exam:  Monday, December 9, 5:30-7:30 PM