“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 vigour 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**
**Summer “B” 2009**

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

**Class Hours:** Monday–Friday, 2:20 pm to 3:50 p.m. (E134 Howe Russell)

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

**Course requirements:**

- Daily quizzes (open-book) on the assigned reading [30%]
- One three-page brief (dates to be assigned) [10%]
- In-class Examination (July 15) [25%]
- Final Examination (August 1) [35%]
- Attendance at every class is naturally a course requirement.

- Honors Option & Graduate Students: five-page review of a recent book on the
  Supreme Court, chosen with the instructor’s approval (due July 31) [additional 20%;
  then all % adjusted by 5/6]

**Books available for purchase:**

and Constraints*, 6th ed. (Congressional Quarterly Press)

Website:
A Moodle website will be designed for the course, which will help provide access to complete Supreme Court opinions and will register your grades.

Library:
Although many Supreme Court materials are available on the internet, you will want to familiarize yourselves with the United States Reports, which can be found in the Reference Room on the first floor of the Library.

SYLLABUS:

I. INTRODUCTION: CONSTITUTIONAL GOVERNMENT & LAW

Mon., 6/29  INTRODUCTION: POLITICS AND LAW  
Declaration of Independence and Constitution of the United States

Tues., 6/30  THE FEDERALIST PAPERS, ## 1, 6, 9-10, 14-15, 23, 37, 39  
EPSTEIN & WALKER, pp. 3-12

Wed., 7/1  THE FEDERALIST PAPERS, ## 47-51  
EPSTEIN & WALKER, pp. 13-52, [700-746]

II. INSTITUTIONS OF THE FEDERAL GOVERNMENT

Thurs., 7/2  THE FEDERALIST PAPERS, # 78  
EPSTEIN & WALKER, pp. 55-94  
Cases: Marbury v. Madison (1803)  
Martin v. Hunter's Lessee (1816)  
Eakin v. Raub (1825)

Fri., 7/3  INDEPENDENCE DAY HOLIDAY – no class

Mon., 7/6  THE FEDERALIST PAPERS, ## 80-82  
EPSTEIN & WALKER, pp. 94-126  
Cases: Ex parte McCardle (1869)  
Baker v. Carr (1962)  
Nixon v. United States (1993)  
Flast v. Cohen (1968)

Tues., 7/7  THE FEDERALIST PAPERS, ## 55-57  
EPSTEIN & WALKER, pp. 127-153  
Gravel v. United States (1972)
Wed., 7/8  THE FEDERALIST PAPERS, ## 31, 33, 44  
EPSTEIN & WALKER, pp. 153-191  
Cases:  McCulloch v. Maryland (1819)  
       McGrain v. Daugherty (1927)  
       Watkins v. United States (1957)  
       Barenblatt v. United States (1959)  
       United States v. Curtiss-Wright Export Corp. (1936)  
       South Carolina v. Katzenbach (1966)  
       Northwest Austin Municipal Utility Dist. #1 v. Holder (2009) [web]

Thurs., 7/9  THE FEDERALIST PAPERS, ## 70-73  
EPSTEIN & WALKER, pp. 192-229  
       In re Neagle (1890)  
       Morrison v. Olson (1988)

Fri., 7/10  THE FEDERALIST PAPERS, ## 74-76  
EPSTEIN & WALKER, pp. 230-267  
Cases:  Myers v. United States (1926)  
       Humphrey's Executor v. United States (1935)  
       Mississippi v. Johnson (1867)  
       Ex parte Grossman (1925)  
       Murphy v. Ford (1975)  
       United States v. Curtiss-Wright Export Corp. (1936)

Mon., 7/13  EPSTEIN & WALKER, pp. 268-320  
Cases:  Mistretta v. United States (1989)  
       INS v. Chadha (1983)  
       Bowsher v. Synar (1986)  
       The Prize Cases (1863)  
       Ex parte Milligan (1866)  
       Ex parte Quirin (1942)  
       Korematsu v. United States (1944)  
       Youngstown Sheet & Tube Co. v. Sawyer (1952)  
       Dames & Moore v. Regan (1981)

Tues., 7/14  EPSTEIN & WALKER, pp. 320-336  

Wed., 7/15  IN-CLASS EXAMINATION
III. FEDERALISM AND FEDERAL POWER

Thurs., 7/16  THE FEDERALIST PAPERS, ## 23, 39, 45-46
EPSTEIN & WALKER, pp. 339-366
Cases: McCulloch v. Maryland (1819)
Dred Scott v. Sandford (1857)
Hammer v. Dagenhart (1918)
United States v. Darby Lumber (1941)

Fri., 7/17  EPSTEIN & WALKER, pp. 366-399
National League of Cities v. Usery (1976)
New York v. United States (1992)
Printz v. United States (1997)

Mon., 7/20 EPSTEIN & WALKER, pp. 399-423
Missouri v. Holland (1920)
Medellin v. Texas (2008) [website]

Tues., 7/21 EPSTEIN & WALKER, pp. 424-464
Cases: Gibbons v. Ogden (1824)
United States v. E.C. Knight Co. (1895)
Stafford v. Wallace (1922)
Schecter Poultry Corp. v. United States (1935)
Carter v. Carter Coal Company (1936)
NLRB v. Jones & Laughlin Steel Corp (1937)
Wickard v. Filburn (1942)

Wed., 7/22 EPSTEIN & WALKER, pp. 464-509
Gonzales v. Raich (2005)
Champion v. Ames (1903)
Heart of Atlanta Motel v. United States (1964)
Cooley v. Board of Wardens (1852)
Southern Pacific Company v. Arizona (1945)
Maine v. Taylor (1986)
Thurs., 7/23  EPSTEIN & WALKER, pp. 510-537
Cases: Pollock v. Farmers' Loan & Trust Co. (1895)
   Davis v. Michigan Department of Treasury (1989)
   McCray v. United States (1904)
   Bailey v. Drexel Furniture Co. (1922)

Fri., 7/24  EPSTEIN & WALKER, pp. 537-562
Cases: United States v. Butler (1936)
   Steward Machine Co. v. Davis (1937)
   South Dakota v. Dole (1987)
   Michelin Tire Corp. v. Wages (1976)
   Complete Auto Transit v. Brady (1977)
   Quill Corp. v. North Dakota (1992)

IV. PROPERTY RIGHTS

Mon., 7/27  EPSTEIN & WALKER, pp. 565-600
Cases: Fletcher v. Peck (1810)
   Trustees of Dartmouth College v. Woodward (1819)
   Charles River Bridge v. Warren Bridge (1837)
   Stone v. Mississipi (1880)
   Home Building and Loan Assn. v. Blaisdell (1934)
   United States Trust Co. v. New Jersey (1977)
   Allied Structural Steel Co. v. Spannaus (1978)

 Tues., 7/28  EPSTEIN & WALKER, pp. 601-632
Cases: The Slaughter-House Cases (1873)
   Munn v. Illinois (1877)
   Allgeyer v. Louisiana (1897)
   Lochner v. New York (1905)
   Muller v. Oregon (1908)

Wed., 7/29  EPSTEIN & WALKER, pp. 632-651
Cases: Adkins v. Children's Hospital (1923)
   Nebbia v. New York (1934)
   West Coast Hotel v. Parrish (1937)
   Williamson v. Lee Optical Company (1955)
Thurs., 7/30  EPSTEIN & WALKER, pp. 652-684
Cases: United States v. Causby (1946)
  Nollan v. California Coastal Commission (1987)
  Lucas v. South Carolina Coastal Council (1992)
  Berman v. Parker (1954)
  Hawaii Housing Authority v. Midkiff (1984)

V. CONCLUSION

Fri., 7/31  Review & Conclusion
Sat., 8/1  FINAL EXAMINATION (5:30-7:30 p.m.)