“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**  
**Summer “B” 2011**

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

**Class Hours:** Monday–Friday, 2:20 pm to 3:50 p.m. (116 Stubbs)

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

**Course requirements:**
- Daily quizzes (open-book) on the assigned reading [20%]
- In-class Examination (June 22) [20%]
- Moot Court Exercise (various deadlines, June 27 through July 6) [30%]
- Final Examination, with partial take-home option (July 9) [30%]
- Attendance at every class is naturally a course requirement.

- Graduate Students: seven-page review of a recent book on the Supreme Court, chosen with the instructor’s approval (due July 8) [additional 20%; then all % adjusted by 5/6]

**Books available for purchase:**

**Website:** A Moodle website for the course will provide access to complete Supreme Court opinions, help coordinate the Moot Court, 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, which can be found in the Reference Room on the first floor of the Library.
SYLLABUS:

I. INTRODUCTION: CONSTITUTIONAL GOVERNMENT & LAW

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

Tues., 6/7  THE FEDERALIST PAPERS, ## 1, 6, 9-10, 14-15, 23, 37, 39  
EPSTEIN & WALKER, pp. 3-11

Wed., 6/8  THE FEDERALIST PAPERS, ## 47-51  
EPSTEIN & WALKER, pp. 12-48, [673-749]

Thurs., 6/9  THE FEDERALIST PAPERS, # 78  
EPSTEIN & WALKER, pp. 51-89  
Cases: Marbury v. Madison (1803)  
Martin v. Hunter's Lessee (1816)  
Eakin v. Raub (1825)

II. FEDERALISM AND FEDERAL POWER

Fri., 6/10  THE FEDERALIST PAPERS, ## 45-46  
EPSTEIN & WALKER, pp. 143-152, 325-350  
Cases: McCulloch v. Maryland (1819)  
Dred Scott v. Sandford (1857)  
Hammer v. Dagenhart (1918)

Mon., 6/13  EPSTEIN & WALKER, pp. 350-378  
National League of Cities v. Usery (1976)  
New York v. United States (1992)  
Printz v. United States (1997)  

Tues., 6/14  EPSTEIN & WALKER, pp. 378-399  
Missouri v. Holland (1920)  
Wed., 6/15  EPSTEIN & WALKER, pp. 400-431
Cases:  Gibbons v. Ogden (1824)
United States v. E.C. Knight Co. (1895)
Stafford v. Wallace (1922)
Schechter Poultry Corp. v. United States (1935)
Carter v. Carter Coal Company (1936)

Thurs., 6/16  EPSTEIN & WALKER, pp. 431-464
Cases:  NLRB v. Jones & Laughlin Steel Corp. (1937)
United States v. Darby (1941)
Wickard v. Filburn (1942)
Gonzales v. Raich (2005)

Fri., 6/17  EPSTEIN & WALKER, pp. 464-491
Cases:  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)

Mon., 6/20  EPSTEIN & WALKER, pp. 492-518
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)

Tues., 6/21  EPSTEIN & WALKER, pp. 518-545
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)

Wed., 6/22  IN-CLASS EXAMINATION

Thurs., 6/23  MOOT COURT PREPARATION DAY
III. PROPERTY RIGHTS

Fri., 6/24  EPSTEIN & WALKER, pp. 549-584
Cases:  *Fletcher v. Peck* (1810)
  *Trustees of Dartmouth College v. Woodward* (1819)
  *Charles River Bridge v. Warren Bridge* (1837)
  *Stone v. Mississippi* (1880)
  *Home Building and Loan Assn. v. Blaisdell* (1934)
  *United States Trust Co. v. New Jersey* (1977)
  *Allied Structural Steel Co. v. Spannaus* (1978)

Mon., 6/27  EPSTEIN & WALKER, pp. 585-640
Cases:  *The Slaughter-House Cases* (1873)
  *Munn v. Illinois* (1877)
  *Allgeyer v. Louisiana* (1897)
  *Lochner v. New York* (1905)
  *Muller v. Oregon* (1908)
  *Adkins v. Children's Hospital* (1923)
  *Nebbia v. New York* (1934)
  *West Coast Hotel v. Parrish* (1937)
  *Williamson v. Lee Optical Company* (1955)
  *Caperton v. A.T. Massey Coal Co.* (2009)

Tues., 6/28  EPSTEIN & WALKER, pp. 641-672
Cases:  *United States v. Causby* (1946)
  *Nollan v. California Coastal Commission* (1987)
  *Berman v. Parker* (1954)
  *Hawaii Housing Authority v. Midkiff* (1984)

Wed., 6/29  MOOT COURT – ORAL ARGUMENT

IV. INSTITUTIONS OF THE FEDERAL GOVERNMENT

Thurs., 6/30  EPSTEIN & WALKER, pp. 89-118
Cases:  *Ex parte McCardle* (1869)
  *Baker v. Carr* (1962)
  *Nixon v. United States* (1993)
  *Flast v. Cohen* (1968)
Fri., 7/1

EPSTEIN & WALKER, pp. 119-142, 152-179

        Gravel v. United States (1972)
        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)
        United States v. Comstock (2010) [web]

Mon., 7/4

INDEPENDENCE DAY HOLIDAY – no class

Tues., 7/5

MOOT COURT – OPINION RENDERED

Wed., 7/6

THE FEDERALIST PAPERS, ## 70

EPSTEIN & WALKER, pp. 180-228

        In re Neagle (1890)
        Morrison v. Olson (1988)
        Myers v. United States (1926)
        Humphrey's Executor v. United States (1935)

Thurs., 7/7

EPSTEIN & WALKER, pp. 228-273

Cases: Mississippi v. Johnson (1867)
        Ex parte Grossman (1925)
        Murphy v. Ford (1975)
        United States v. Curtiss-Wright Export Corp. (1936)
        Mistretta v. United States (1989)
        INS v. Chadha (1983)
        Bowsher v. Synar (1986)

Fri., 7/8

EPSTEIN & WALKER, pp. 273-321

Cases: 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)

Sat., 7/9

FINAL EXAMINATION (5:30-7:30 p.m.)