**Louisiana State University**  
**Political Science 4020**  
**American Constitutional Law**  
**Fall 2009**

**Class Hours:** Monday and Wednesday, 3:10 to 4:30 in Tureaud Hall, Room 221

**Office Hours:** After class and by appointment.

**Instructor:** James Quinn (jquinn9@lsu.edu)


**Academic Integrity:** Any suspected incidences of Academic Dishonesty will be reported to the Office of Student Advocacy and Accountability.

**Grading:** All Parts are worth one-third of your final grade  
1 - Participation, includes Pop Quizzes (will be the required reading for that day) and Briefing Cases.  
2 - Midterm Exam  
3 - Final Exam

**Attendance and Participation:** Attendance is strongly recommended and all students are expected to have read material. There will be cases assigned almost every class and all students are expected to know the facts, as well as the issues presented, the court’s ruling, the analysis, and conclusion for each case. These are often complicated cases which require you to do more than just skim the material or briefly read something online before class.

**Syllabus**

**August 24:**  
Introduction of Constitution  
History Overview (Declaration of Independence, Articles of Confederation and Constitutional Convention)  
Federalist Papers, Anti-Federalist Papers  
Introduction of Articles/Clauses we will cover in the Semester

**August 26:**  
Understanding the US Supreme Court (Epstein & Walker pp. 3-61)  
The Role of Law and Politics on the Court  
Overview of US Court System  
Origins of Checks and Balances  
Constitutional Separation of Powers

**August 31:**  
Establishment of the Judiciary - Judicial Review (Epstein & Walker pp. 62-94)  
Federalist Paper 78
Discussion of Article III and the Judiciary Act of 1789

*Marbury v. Madison*

*Martin v. Hunter's Lessee*

*Eakin v. Rush*

**September 2:**

*Constraints of Judicial Power (Epstein & Walker pp. 94-126)*

*Federalist Papers 80-82*

*Ex parte McCordle*

*Hamdan v. Rumsfeld*

*Baker v. Carr*

*Nixon v. United States*

*Flast v. Cohen*

**September 7:**

*No Class - Labor Day*

**September 9:**

*The Legislature and the Constitution (Epstein & Walker pp. 127-153)*

*Federalist Papers 55-57*

*Article I: Historical Overview*

*Legislative Independence*

*Powell v. McCormack*

*U.S. Term Limits v. Thornton*

*Gravel v. United States*

**September 14:**

*Sources and Scope of Legislative Powers (Epstein & Walker pp. 153-191)*

*Federalist Papers 31, 33, and 34*

*McCulloch v. Maryland*

*McGrain v. Dougherty*

*Watkins v. United States*

*Rosenblatt v. U.S*

*U.S. v. Curtis Wright Export Corp.*

*South Carolina v. Katzenbach*

**September 16:**

*The Executive Branch and the Constitution (Epstein & Walker pp. 192-214)*

*Federalist Papers 70-73*

*Article II – Historical Overview*

*Bush v. Gore*

*In Re Neagle*

**September 21:**

*Domestic Powers of the President – Part 1 (Epstein & Walker pp. 214-245)*

*Federalist Papers 74-75*

*Clinton v. City of New York*

*Morrison v. Olson*

*Myers v. U.S.*

*Humphrey's Executor v. U.S.*
U.S. v. Nixon

September 23:
Domestic Powers of the President – Part 2 (Epstein & Walker pp. 245-267)
Mississippi v. Johnson
Nixon v. Fitzgerald
Clinton v. Jones
Ex-Parte Grossman
Murphy v. Ford

September 28:
Separation of Powers Part I (Epstein & Walker pp. 268-287)
Domestic Powers
Mistretta v. U.S.
INS v. Chadha
Bowsher v. Synar

September 30:
Separation of Powers Part II (Epstein & Walker pp. 287-307)
Presidential Power during War and National Emergencies Part I
The Prize Cases
Ex parte Milligan
Ex parte Quirin

October 5:
Separation of Powers Part III (Epstein & Walker pp. 307-336)
Presidential Power during War and National Emergencies – Part II
Korematsu v. U.S.
Youngstown Sheet & Tube Company
Dames & Moore v. Reagan
Hamdi v. Rumsfeld
Hamdan v. Rumsfeld

October 7:
Mid-Term Review

October 12:
Midterm Exam – 1/3 of final grade

October 14:
Federalism – Part I (Epstein & Walker pp. 339-373)
Nation State Relations
McCulloch v. Maryland
Scott v. Sanford
Hammer v. Dagenhart
U.S. v. Darby Lumber
National League of Cities v. Usery

October 19:
Federalism – Part I (Epstein & Walker pp. 374-390)
Garcia v. SAMTA
New York v. U.S.
Printz v. U.S.
The 11th Amendment
Alden v. Maine

October 21: Federalism – Part II (Epstein & Walker pp. 390-423)
New Judicial Federalism
Michigan v. Long
National Preemption of State Laws
State of Missouri v. Holland
Crosby v. National Foreign Trade Council
Pennsylvania v. Nelson
Pacific Gas and Electric v. SEC RD

October 26: Commerce Power – Part I (Epstein & Walker pp. 424-438)
Introduction and History
Gibbons v. Ogden
U.S. v. E.C. Knight
Stafford v. Wallace

October 28: Commerce Power – Part II (Epstein & Walker pp. 438-482)
The Supreme Court and the New Deal
A.L.A. Schechter Poultry Corp. v. U.S.
Carter v. Carter Coal Company
National Labor Relations Board v. Jones & Laughlin Steel Corp.
U.S. v. Lopez
U.S. v. Morrison
Gonzales v. Raich

November 2: Commerce Power – Part III (Epstein & Walker pp. 482-509)
Regulating Commerce as a Federal Power
Champion v. Armses
Heart of Atlanta Motel v. U.S.
Commerce Power of the States
Cooley v. Board of Wardens
Southern Pacific Company v. Arizona
Hunt v. Washington State Apple Advertising Commission
Maine v. Taylor
Granholm v. Heald

November 4: The Power to Tax and Spend – Part I (Epstein & Walker pp. 510-529)
Introduction and History
Direct Taxes and the Power to Tax Income
Pollock v. Farmers’ Loan and Trust
Taxation of Exports
November 9: The Power to Tax and Spend – Part II (Epstein & Walker pp. 529-549)
   Taxation as a Regulatory Power
   McCray v. U.S
   Bailey v. Drexel Furniture Co.
   Taxing and Spending for the General Welfare
   U.S. v. Butler
   Steward Machine Co. v. Davis
   South Dakota v. Dole

November 11: The Power to Tax and Spend – Part III (Epstein & Walker pp. 549-562)
   Restrictions on Revenue Powers of the States
   Michelin Tire Corp. v. Wages
   Complete Auto Transit v. Brady
   Quill Corp. v. North Dakota
   Oregon Waste Systems, Inc. v. DEQ of Oregon

November 16: The Contract Clause (Epstein & Walker pp. 569-600)
   Introduction and History
   Fletcher v. Peck
   Trustees of Dartmouth College v. Woodard
   Proprietors of Charles River Bridge v. Proprietors of Warren Bridge
   Stone v. Mississippi
   U.S. Trust Co. v. New Jersey
   Allied Structural Steel Co. v. Spannaus

November 18: Economic Substantive Due Process - Part I (Epstein & Walker pp. 601-635)
   The Development of Substantive Due Process
   The Slaughterhouse Cases
   Munn v. Illinois
   Allygeyer v. Louisiana
   Lochner v. New York
   Muller v. Oregon
   Adkins v. Children's Hospital

November 23: Economic Substantive Due Process - Part II and Taking Clause (Epstein & Walker pp. 635-655)
   The Decline of Substantive Due Process
   Nebbia v. New York
   West Coast Hotel v. Parrish
Williamson v. Lee Optical Company
BMW of North America v. Gore.
Review of Takings Clause

November 30: Final Review

December 12: Final Exam 3-5pm - 1/3 of grade.