POLI 4020: Constitutional Law: Law of the Constitution and Place of the Supreme Court in the American Political System—Fall 2011

Pre-requisite: POLI 2051 or equivalent

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Class: 3:40-5:00 MW

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Required Text
ISBN 978-1-60426-962-8

Note: Earlier additions of the text are acceptable, but page numbers may vary, and students are responsible for finding any cases not included in the volume.

Legal Resources: Legal resources are available for opinions, briefs, and other material at:

Course Description and Objectives
This course will introduce students to Constitutional law through the lens of U.S. Supreme Court case law with an emphasis on judicial review, federalism, institutional powers, and separation of powers. The course seeks to broadly introduce students to theories of interpreting the Constitution and major Supreme Court cases. By the end of the course students should be able to (1) analyze and apply legal arguments and theories to Supreme Court cases (2) distill cases to their most important components, and (3) think critically about the role of courts in the federal system.

Course Requirements

Academic Honesty
All students are expected to abide by the University’s Code of Student Conduct (http://www.lsu.edu/saa/Code%20of%20Student%20Conduct%20August%202009.pdf). Any student caught plagiarizing work or cheating on an exam will be reported to the appropriate university officials. Make-up exams will be given only to students who notify the instructor prior to missing the exam and whose absence qualifies under Policy Statement 22 (Student Absence from Class) (http://appld03ocs.lsu.edu/ups.nsf/4d8b193f0753c7ea48625714000672ba4/D45654A11F8AC7

Briefs and Quizzes
Because the study of law requires both heavy reading and cumulative comprehension, it is essential that students read all assigned cases prior to each class. Students must brief all cases assigned to their group on the syllabus. The process of briefing will prepare you for class discussions and save you many hours of time in test preparation. Briefs will be collected randomly during class only. Briefs will not be accepted electronically or before or after class. Although students are only required to brief the cases assigned to their group, students are expect to read and understand all assigned cases and are strongly encouraged to brief all cases.
Reading assignments available on Moodle are designated with an “M.” Additionally, quizzes will be randomly given during the semester. Quizzes are open note (but not open book) and intended to help students identify deficiencies in their notes and prepare for exams. There will be no make-ups, but the lowest brief and quiz grade will be dropped at the end of the semester.

**Participation**
Attendance is a necessary, but not sufficient, condition for a good participation grade. Students are expected to attend class daily, on time, and for the duration of the class. Students are also expected to read all assigned readings before class, complete all written assignments on time, and treat classmates and the instructor with respect. Please turn off phones and put iPods, newspapers, and other unrelated materials away before class begins. No electronic devices are allowed on desktops during class.

**Exams**
In-class discussions and the material assigned on the syllabus will provide the basis for exams. There will be one mid-term and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. Exams will consist of definitions, short answers, and essays.

**Supreme Court Simulation**
During the course of the semester students will participate in one of three Supreme Court Simulations. Students will be assigned to groups and participate as justices or advocates. Students will receive up to 50 points for informed participation (i.e. simply showing up will not get you 50 pts.) in the simulation and up 100 points for the final paper. Handouts with details will be provided in class.

**Grading Policy**
The course is worth a total of 400 points allocated as follows:

- Briefs—50 points
- Quizzes—50 points
- Participation—50
- Exam 1—100 points
- Exam 2—100 points
- Simulation (Participation)—50 points
- Simulation (Papers)—100 points

A = 400-361  B = 360-321  C = 320-281  D = 280-270  F = 269 or lower

**Special Accommodation**
Students with documented disabilities who require special testing accommodations should notify the instructor at the beginning of the semester so that appropriate arrangements can be made.

**Course Outline**
Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor.
Schedule of Readings and Assignments

August 22, First Class
Introduction to the Course

August 24, Structure of the Federal Court System
Chapter 1 pgs. 12-23 & 33-46

August 29, Powers of the Courts and Judicial Review
Federalist # 78
Brief Marbury v. Madison (1803)
Gibson’s dissent in Eakin v. Raub (1825)

August 31, No Class
Article III, Restraints on Judicial Power
Martin v. Hunters’ Lessee (1816)(I)
Chisholm v. Georgia (1793) (II)
Ex parte McCcardle (1869) (III)
Baker v. Carr (1962) (IV)
Nixon v. US (1993) (V)
Plast v. Cohen (1968) (All Groups)

September 5, Labor Day Holiday

September 7, Interpreting the Constitution
Chapter 1 pgs. 23-33
Interpreting the Constitution (M)

September 12, Federalism: 10th Amendment vs. Supremacy Clause & Necessary & Proper
McCullough v. Maryland (1819) (I)
Dred Scott v. Sanford (1857) (II)
Hammer v. Dagenhart (1918) (III)
National League of Cities v. Usery (1976) (IV)
Printz v. Untied States (1997) (V)

September 14, Federalism: 11th Amendment
Alden v. Maine (1999) (I)
State of Missouri v. Holland (1920) (III)
Pennsylvania v. Nelson (1956) (V)

September 19, Regulatory Power of the States in the Federal System
Jacobson v. Massachusetts (1905) (M) (I)
Edwards v. California (1941) (M) (III)
Cooley v. The Board of Wardens of the Port of Philadelphia (1852) (M) (IV)
Kassel v. Consolidated Freightways Corp. (1981) (M) (V)
September 21, Simulation Discussion and Groups Assigned

September 26, Separation of Powers
Mistretta v. United States (1989) (I)
Bowers v. Synar (1986) (III)
The Prize Cases (1863) (IV)
Ex parte Milligan (1866) (V)

September 28, Separation of Powers
Ex parte Quinn (1942) (I)
Korematsu v. United States (1944) (II)
Youngstown Sheet & Tube v. Sawyer (1952) (III)
Dames & Moore v. Regan (1981) (IV)
Hamdan v. Rumsfeld (2006) (V)

October 3, Midterm Exam

October 5, Legislative Authority: Article I, Enumerated Powers
Powell v. McCormack (1969) (I) (V)
Gravel v. United States (1972) (III)
Gibbons v. Ogden (1824) (IV)

October 10, Article I, Implied Powers
McGrain v. Daugherty (1927) (I)
Barenblatt v. US (1959) (II)
United States v. Curtis Wright-Export Corp. (1936) (III)
Gibson v. Florida Legislative Investigation Commission (1963) (IV)
South Carolina v. Katzenbach (1966) (V)

October 12, Executive Powers: Article II
In re Neagle (1890) (II)
Youngstown Sheet & Tube Co. v. Sawyer (1952) (III)
Clinton v. City of New York (1998) (IV)
Morrison v. Olson (1988) (V)

October 17, Executive Powers, Article II
Mississippi v. Johnson (1867) (II)
Clinton v. Jones (1997) (IV)
Ex parte Grossman (1925) (V)
Murphy v. Ford (1925) (All Groups)
United States v. Curtis-Wright Export Corp. (1936) (All Groups)

October 19, Simulation I
October 24, Simulation II

October 26, Commerce Powers
Gibbons v. Ogden (1824) (I)
A.L.A. Schechter Poultry Corp. v. United States (1935) (II)
Carter v. Carter Coal Co. (1936) (III)
Wickard v. Filburn (1942) (IV)
Gonzalez v. Raich (2005) (All Groups)

October 31, Commerce Powers
Champion v. Ames (1903) (I)
Heart of Atlanta Motel v. U.S. (1964) (II)
Cooley v. Board of Wardens (1852) (III)
Southern Pacific Company v. Arizona (1945) (IV)
Maine v. Taylor (1986) (All Groups)

November 2, Taxation and Spending Powers
Pollock v. Farmer’s Loan & Trust Co. (1895) (I)
United States v. United States Shoe Corp. (1998) (II)
Davis v. Michigan Dept. of Treasury (1989) (IV)
McCrary v. United States (1904) (V)
Bailey v. Drexel Furniture Co. (1922) (All Groups)

November 7, Taxation and Spending Powers
United States v. Butler (1936) (I)
Steward Machine Co. v. Davis (1937) (II)
South Dakota v. Dole (1987) (III)
Michelin Tire Corp. v. Wages (1976) (IV)
Complete Auto Transit v. Brady (1977) (V)
Quill Corp. v. North Dakota (1992) (All Groups)
Oregon Waste systems, Inc. v. Department of Environmental Quality of Oregon (1994) (All Groups)

November 9, Economic Due Process
The Slaughterhouse Cases (1873) (I)
Munn v. Illinois (1877) (II)
Allegany v. Louisiana (1897) (III)
Lochner v. New York (1905) (IV)
Muller v. Oregon (1908) (V)
Adkins v. Children’s Hospital (1923) (All Groups)
City of New Orleans v. Dukes (1976) (M) (All Groups)

November 14, The Contract Clause
Fletcher v. Peck (1810) (I)
Trustees of Dartmouth College v. Woodward (1819) (II)
Proprietors of Charles River Bridge v. Proprietors of Warren Bridges (1837) (III)
Stone v. Mississippi (1880) (IV)
Home Building and Loan Association v. Blaisdell (1934) (V)
United States Trust Co. v. New Jersey (1977) (All Groups)
Allied Structural Steel Co. v. Spannaus (1978) (All Groups)

November 16, Simulation III

November 21, Economic Due Process
Nebbia v. New York (1934) (I)
West Coast Hotel v. Parrish (1937) (II)
Williamson v. Lee Optical Company (1955) (III)

November 23, Thanksgiving Holiday

November 28, The Takings Clause
United States v. Causby (1946) (I)
Penn Central Transportation Co. v. City of New York (1978) (II)
Nollan v. California Costal Commission (1987) (III)
Lucas v. South Carolina coastal Council (1992) (IV)
Stop the Beach Renourishment v. Florida Dept. of Economic Development (2010) (M) (V)
Berman v. Parker (1954) (All Groups)

November 30, The Takings Clause
Hawaii Housing Authority v. Midkiff (1984) (All Groups)

Final Class Day

December 7, Final Exam 3-5 p.m.

Important Dates
August 29th—Final date for dropping without receiving a “W”
November 4th—Final date for resigning from the university/dropping courses
December 7th—Final Exam 3-5 p.m.

Groups for Briefs
Students are responsible for briefing all cases assigned to their group. The class is divided alphabetically as listed below.
Group I Conklin to Evans
Group II Germsbacher to Heap
Group III Horn to Lathrop
Group IV Laurent to Rothermel
Group V Schmidt to Tyrney