"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 2012**

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

**Class Hours:** Monday–Friday, 2:20 pm to 3:50 p.m. (Atkinson 015)

**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 21) [30%]
- Brief of a case (class report and written version) [10%]
- Final Examination, with partial take-home option (July 7) [40%]
- 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 3) [additional 20%; then all % adjusted by 5/6]

**Book available for purchase:**
Gillman, Graber, and Whittington, *American Constitutionalism: Volume I, Structures of
Government* (Oxford University Press)

**Website:** A Moodle website for the course will provide access to complete Supreme
Court opinions, include details on exams and assignments, 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., 6/4  INTRODUCTION: POLITICS AND LAW
            Declaration of Independence and Constitution of the United States

Tues., 6/5  GILLMAN, GRABER, & WHITTINGTON, pp. 3-26

II. ESTABLISHING THE CONSTITUTION AND CONSTITUTIONAL LAW

Wed., 6/6  GILLMAN, GRABER, & WHITTINGTON, pp. 31-64

Thurs., 6/7  GILLMAN, GRABER, & WHITTINGTON, pp. 64-101

Fri., 6/8  GILLMAN, GRABER, & WHITTINGTON, pp. 101-139
            Cases: Calder v. Bull (1798)
                    Marbury v. Madison (1803)
                    Martin v. Hunter's Lessee (1816)
                    McCulloch v. Maryland (1819)

Mon., 6/11  GILLMAN, GRABER, & WHITTINGTON, pp. 139-182
                    Gibbons v. Ogden (1824)
                    Chisholm v. Georgia (1793)

III. CONSTITUTIONAL DEVELOPMENT AND CONSTITUTIONAL CRISIS

Tues., 6/12  GILLMAN, GRABER, & WHITTINGTON, pp. 185-221
            Cases: Luther v. Borden (1849)
                    Prigg v. Pennsylvania (1842)
                    Dred Scott v. Sandford (1857)

Wed., 6/13  GILLMAN, GRABER, & WHITTINGTON, pp. 221-247
            Cases: Willson v. Black Bird Marsh Creek Co. (1829)
                    City of New York v. Miln (1837)
                    Cooley v. Board of Wardens (1852)
                    Worcester v. Georgia (1832)

Thurs., 6/14  GILLMAN, GRABER, & WHITTINGTON, pp. 249-276
            Cases: Mississippi v. Johnson (1867)
                    Ex parte McCordale (1868)
                    Hepburn v. Griswold (1870)
                    Legal Tender Cases (1871)
Fri., 6/15  
GILLMAN, GRABER, & WHITTINGTON, pp. 277-316
Cases:  *Texas v. White* (1869)
   *Ex parte Merryman* (1861)
   *The Prize Cases* (1863)

IV. REESTABLISHING CONSTITUTIONAL LAW

Mon., 6/18  
GILLMAN, GRABER, & WHITTINGTON, pp. 319-354
Cases:  *Slaughter-House Cases* (1873)
   *Frothingham v. Mellon* (1923)
   *Civil Rights Cases* (1883)

Tues., 6/19  
GILLMAN, GRABER, & WHITTINGTON, pp. 354-389
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)
   *Selective Draft Law Cases* (1918)
   *Insular Cases* (1901)

Wed., 6/20  
GILLMAN, GRABER, & WHITTINGTON, pp. 389-414
Cases:  *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)

Thurs., 6/21  
MIDTERM EXAMINATION

V. CONSTITUTIONAL REVOLUTION AND ITS CONSEQUENCES

Fri., 6/22  
GILLMAN, GRABER, & WHITTINGTON, pp. 417-458
Cases:  *United States v. Carolene Products* (1938)
   *Cooper v. Aaron* (1958)
   *Flast v. Cohen* (1968)
   *Baker v. Carr* (1962)

Mon., 6/25  
GILLMAN, GRABER, & WHITTINGTON, pp. 458-491
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)
VI. CONSTITUTIONAL RESTORATION OR CONTINUING REVOLUTION?

Thurs., 6/28  GILLMAN, GRABER, & WHITTINGTON, pp. 563-602
Cases:  
South Dakota v. Dole (1987)
Garcia v. San Antonio Metro Transit Authority (1985)
Immigration & Naturalization Service v. Chadha (1983)

Fri., 6/29  GILLMAN, GRABER, & WHITTINGTON, pp. 602-637
Cases:  
Bowsher v. Synar (1986)
Morrison v. Olson (1988)
City of Boerne v. Flores (1997)
Doe v. Bush (1st Cir. 2003)
Massachusetts v. Environmental Protection Agency (2007)

Mon., 7/2  GILLMAN, GRABER, & WHITTINGTON, pp. 637-676
Cases:  
Gonzales v. Raich (2005)
Printz v. United States (1997)
Alden v. Maine (1999)

Tues., 7/3  GILLMAN, GRABER, & WHITTINGTON, pp. 676-714
Cases:  

Wed., 7/4  INDEPENDENCE DAY
VII. CONSTITUTIONAL COUNTER-REVOLUTION?

Thurs., 7/5  
*Patient Protection and Affordable Care Act Cases* (if rendered)  

Fri., 7/6  
*Patient Protection and Affordable Care Act Cases* (if rendered)

Sat., 7/7  
**FINAL EXAMINATION** (5:30-7:30 pm)