“Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. 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 an 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 indispensible. 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
Fall 2012

Instructor: Jacob Seigler
Jakewf@gmail.com
Stubbs 330

Class Hours: Monday & Wednesday, 3:30—4:50 (Hodges 324)
Office Hours: Monday & Wednesday, 5:00—6:00 (Stubbs rm. 330), and by appointment

Course Requirements:
[20%] Daily quizzes (open-book) on the assigned readings
[20%] Case briefs
[25%] In-class midterm exam (Wednesday, October 10)
[35%] Final examination (Thursday, December 6; 12:30-2:30)

***Attendance at every class is both necessary and expected

Required Textbook:

Website:
The Moodle website for this course will provide students with access to complete Supreme Court decisions, additional course materials and information, and course grades.
Syllabus

I. Introduction: Constitutional Government & Law
   Mon., 8/20   Introduction: Politics and Law
   Wed., 8/22   Gillman, Graber, & Whittington, pp. 3-26

II. Establishing the Constitution and Constitutional Law
   Mon., 8/27   Gillman, Graber, & Whittington, pp. 31-64
   Wed., 8/29   Gillman, Graber, & Whittington, pp. 64-91
   Mon., 9/3    Labor Day Holiday
   Wed., 9/5    Gillman, Graber, & Whittington, pp. 93-139
                Cases: Calder v. Bull (1798)
                Marbury v. Madison (1803)
                Martin v. Hunter’s Lessee (1816)
                McCulloch v. Maryland (1819)
   Mon., 9/10   Gillman, Graber, & Whittington, pp. 139-166
                Gibbons v. Ogden (1824)
                Chisholm v. Georgia (1793)
   Wed., 9/12   Gillman, Graber, & Whittington, pp. 166-182

III. Constitutional Development and Constitutional Crisis
    Mon., 9/17   Gillman, Graber, & Whittington, pp. 185-221
                Cases: Luther v. Borden (1849)
                Prigg v. Pennsylvania (1842)
                Dred Scott v. Sandford (1857)
    Wed., 9/19   Gillman, Graber, & Whittington, pp. 221-247
                Cases: Willson v. Black Bird Creek Marsh Co. (1829)
                City of New York v. Miln (1837)
                Cooley v. Board of Wardens (1852)
                Worcester v. Georgia (1832)
Mon., 9/24  Gillman, Graber, & Whittington, pp. 249-276
Cases:  Mississippi v. Johnson (1867)
       Ex parte McCardle (1868)
       Hepburn v. Griswold (1870)
       Legal Tender Cases (1871)

Wed., 9/26  Gillman, Graber, & Whittington, pp. 277-316
Cases:  Texas v. White (1869)
       Ex parte Merryman (1861)
       The Prize Cases (1863)

IV.  Reestablishing Constitutional Law

Mon., 10/1  Gillman, Graber, & Whittington, pp. 319-354
Cases:  Slaughter-House Cases (1873)
       Frothingham v. Mellon (1923)
       Civil Rights Cases (1883)

Wed., 10/3  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)

Mon., 10/8  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)

Wed., 10/10 Midterm Exam

V.  Constitutional Revolution and its Consequences

Mon., 10/15  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)
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)  

Mon., 10/22  Reading TBA  

Wed., 10/24  Gillman, Graber, & Whittington, pp. 488-512  
Cases:  Youngstown Sheet & Tube Co. v. Sawyer (1952)  
        Humphrey's Executor v. United States (1935)  
        Schechter Poultry Corp. v. United States (1935)  
        United States v. Curtiss-Wright Export Corp. (1936)  

Mon., 10/29  Gillman, Graber, & Whittington, pp. 513-543  
        Laird v. Tatum (1972)  
        National League of Cities v. Usery (1976)  
        Shapiro v. Thompson (1969)  

Wed., 10/31  Gillman, Graber, & Whittington, pp. 543-558  
Cases:  United States v. United States District Court (1972)  

VI.  Constitutional Restoration or Continuing Revolution?  

Mon., 11/5  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)  

Wed., 11/7  Gillman, Graber, & Whittington, pp. 602-637  
Cases:  Bowsher v. Synar (1986)  
        Morrison v. Olson (1988)  
        City of Boerne v. Flores (1997)  
        Massachusetts v. Environmental Protection Agency (2007)  

Mon., 11/12  Reading TBA
Wed., 11/14  Gillman, Graber, & Whittington, pp. 637-676
        Gonzalez v. Raich (2005)
        Printz v. United States (1997)
        Alden v. Maine (1999)

Mon., 11/19  Gillman, Graber, & Whittington, pp. 676-714

Wed., 11/21  Thanksgiving Holiday


Thur., 12/6  Final Exam, 12:30-2:30 pm