"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” 2010

Instructor:  James Stoner <poston@lsu.edu>
            Stubbs 240 (tel. 578-2538)
Class Hours: Monday–Friday, 2:20 pm to 3:50 p.m. (118 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 [30%]
• One three-page brief (dates to be assigned) [10%]
• In-class Examination (June 22) [25%]
• Final Examination, with partial take-home option (July 10) [35%]
• 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 6) [additional 20%; then all % adjusted by 5/6]

Books available for purchase:
• Epstein and Walker, Constitutional Law for a Changing America: Institutional
  Powers and Constraints, 7th ed. (Congressional Quarterly Press)
• Hamilton, Madison, Jay, The Federalist Papers (NAL-Dutton)

Website: A Moodle website will be designed for the course, which will help provide
access to complete Supreme Court opinions and will register 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., 6/7  INTRODUCTION: POLITICS AND LAW  
*Declaration of Independence* and *Constitution of the United States*

Tues., 6/8  *THE FEDERALIST PAPERS*, ## 1, 6, 9-10, 14-15, 23, 37, 39  
EPSTEIN & WALKER, pp. 3-11

Wed., 6/9  *THE FEDERALIST PAPERS*, ## 47-51  
EPSTEIN & WALKER, pp. 12-48, [673-749]

II. INSTITUTIONS OF THE FEDERAL GOVERNMENT

Thurs., 6/10  *THE FEDERALIST PAPERS*, # 78  
EPSTEIN & WALKER, pp. 51-89  
Cases: *Marbury v. Madison* (1803)  
*Martin v. Hunter's Lessee* (1816)  
*Eakin v. Raub* (1825)

Fri., 6/11  *THE FEDERALIST PAPERS*, ## 80-82  
EPSTEIN & WALKER, pp. 89-118  
Cases: *Ex parte McCordle* (1869)  
*Baker v. Carr* (1962)  
*Nixon v. United States* (1993)  
*Flast v. Cohen* (1968)

Mon., 6/14  *THE FEDERALIST PAPERS*, ## 55-57  
EPSTEIN & WALKER, pp. 119-142  
*Gravel v. United States* (1972)

Tues., 6/15  *THE FEDERALIST PAPERS*, ## 31, 33, 44  
EPSTEIN & WALKER, pp. 143-179  
Cases: *McCulloch v. Maryland* (1819)  
*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]
Wed., 6/16  THE FEDERALIST PAPERS, ## 70-73
EPSTEIN & WALKER, pp. 180-213
      In re Neagle (1890)
      Morrison v. Olson (1988)

Thurs., 6/17  THE FEDERALIST PAPERS, ## 74-77
EPSTEIN & WALKER, pp. 213-251
Cases: Myers v. United States (1926)
       Humphrey's Executor v. United States (1935)
       Mississippi v. Johnson (1867)
       Ex parte Grossman (1925)
       Murphy v. Ford (1975)
       United States v. Curtiss-Wright Export Corp. (1936)

Fri., 6/18  EPSTEIN & WALKER, pp. 252-285
Cases: Mistrutta v. United States (1989)
       INS v. Chadha (1983)
       Bowsher v. Synar (1986)
       The Prize Cases (1863)
       Ex parte Milligan (1866)

Mon., 6/21  EPSTEIN & WALKER, pp. 286-321
Cases: Ex parte Quirin (1942)
       Korematsu v. United States (1944)
       Youngstown Sheet & Tube Co. v. Sawyer (1952)
       Dames & Moore v. Regan (1981)

Tues., 6/22  IN-CLASS EXAMINATION

III. FEDERALISM AND FEDERAL POWER

Wed., 6/23  THE FEDERALIST PAPERS, ## 23, 39, 45-46
EPSTEIN & WALKER, pp. 325-350
Cases: McCulloch v. Maryland (1819)
       Dred Scott v. Sandford (1857)
       Hammer v. Dagenhart (1918)
Thurs., 6/24  EPSTEIN & WALKER, pp. 350-378

National League of Cities v. Usery (1976)
New York v. United States (1992)
Printz v. United States (1997)

Fri., 6/25  EPSTEIN & WALKER, pp. 378-399

Missouri v. Holland (1920)

Mon., 6/28  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)

Tues., 6/29  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)

Wed., 6/30  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)

Thurs., 7/1  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)
Fri., 7/2  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)  

IV. PROPERTY RIGHTS

Mon., 7/5  INDEPENDENCE DAY HOLIDAY – no class  

Tues., 7/6  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)  

Wed., 7/7  EPSTEIN & WALKER, pp. 585-614  
Cases:  
The Slaughter-House Cases (1873)  
Munn v. Illinois (1877)  
Allgeyer v. Louisiana (1897)  
Lochner v. New York (1905)  
Muller v. Oregon (1908)  

Thurs., 7/8  EPSTEIN & WALKER, pp. 615-640  
Cases:  
Adkins v. Children’s Hospital (1923)  
Nebbia v. New York (1934)  
West Coast Hotel v. Parrish (1937)  
Williamson v. Lee Optical Company (1955)  

Fri., 7/9  EPSTEIN & WALKER, pp. 641-672  
Cases:  
United States v. Causby (1946)  
Nollan v. California Coastal Commission (1987)  
Lucas v. South Carolina Coastal Council (1992)  
Berman v. Parker (1954)  
Hawaii Housing Authority v. Midkiff (1984)  

Sat., 7/10  FINAL EXAMINATION (5:30-7:30 p.m.)