

CONSTITUTIONAL LAW I

The assigned book in the course is Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, and Pamela S. Karlan, Constitutional Law (6th ed. 2009). There is a Supplement, which you should purchase. Make sure you get the 2009 (green) Supplement.

There are several excellent constitutional law hornbooks. The most insightful is Lawrence H. Tribe, American Constitutional Law (3d ed. 1999), volume 1. John E. Nowak and Ronald D. Rotunda, Constitutional Law (7th ed. 2004) is even more comprehensive, and provides helpful summaries of many important cases. Erwin Chemerinsky, Constitutional Law: Principles and Policies (3d ed. 2006) is somewhat more concise and is also available in paperback.. Norman Redlich, Bernard Schwartz, and John Attanasio, Understanding Constitutional Law (3rd ed. 2005) is a good short survey of the subject.

There will be one exam in this class. It will be a mixture of essay and multiple choice. I reserve the right to raise or lower the grade of any student by up to 3 points from the score earned on that test on the basis of class participation.

<u>Date</u>	<u>Topic</u>	<u>Assignment</u>
January 5	Introduction	xliii-lix, 1-29
January 7	Jurisdiction of the Supreme Court <i>Marbury v. Madison</i>	162-65 29-38
January 12	Judicial Review	34-36, 38-51
January 14	Final Arbiter of the Constitution? <i>McCulloch v. Maryland: Implied Powers</i>	52-61 61-68
January 19	<i>McCulloch v. Maryland: Constitutional Interpretation</i>	68-78
January 21	External Constraints on the Power of the Supreme Court Self-Imposed Limitations: Standing	78-90 91-98
January 26	Standing (cont.)	98-129; Supp. 38-39
January 28	Political Question Doctrine	128-48; Supp. 39-41
February 2	The Supreme Court Picks a President	148-61
	Ripeness and Mootness	161-62
February 4	State Action Doctrine: The Theory	1543-49
	Distinguishing Action from Inaction	1549-63
<u>Date</u>	<u>Topic</u>	<u>Assignment</u>

February 9	Governmental Assistance to Private Actors	1564-80
	State Licensing & Authorization	1581-87
February 11	Public Function Doctrine	1587-98
	State Action Doctrine Problem	
February 18	<i>Gibbons v. Ogden</i>	173-77
	Videotape: “ <i>Gibbons v. Ogden</i> ”	
February 23	Federalism and Judicial Review	167-73, 177-89; Supp. 43-44
February 25	Commerce Clause Before the New Deal	189-203
March 2	The New Deal Commerce Clause	203-14
March 4	The New Federalism Commerce Clause	214-32
March 9	State Regulation of Interstate Commerce	232-43; Supp. 44-45
March 11	Discrimination	243-257
March 16	Facially Neutral Statutes with a Significant Impact on Interstate Commerce	257-75
	Taxation and Preemption	275-80
March 18	Regulating with Congress’s Non-Economic Powers	281-300; Supp. 47-48
March 23	Power to Enforce the Reconstruction Amendments	300-12
March 25	State Sovereign Immunity & Its Limits	312-29
	Federalism and the Treaty Power	329-33
March 30	Tenth-Amendment Based Restraints on Federal Regulation	333-54; Supp. 48-4
April 1	Separation of Powers	355-70; Supp. 51-52
April 6	Presidential Power: War & Foreign Affairs	371-95; Supp. 52
April 8	Legislative War-making Authority	395-400; Supp. 52
	Presidential Domestic Power	400-12
April 13	Limitations on Congressional Power	412-39

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