

**2011 Constitution and Place of the Supreme Court**

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Lee Epstein and Thomas G. Walker, 2011 *Constitutional Law for a Changing America*:

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

101K 11003;

This course will introduce students to Constitutional law through the lens of U.S. Supreme Court

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

**Course Requirements**

**ACADEMIC HONESTY**

All students are held to the high standards of the University's Code of Student Conduct. <http://www.olemiss.edu/law/acad/codes%20of%20conduct%20August%202009.pdf>. Any

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 on Student

**Absence from class**

Students who are absent from class for a total of more than 10% of the course will be required to

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**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.

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, mp3 players, 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. In-class discussions and the material assigned on the syllabus will provide the basis for exams. Exams will be given at the end of the semester to test your understanding of concepts as well as your ability to apply the law. 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 to 100 points for the final paper. Handouts with

### 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.

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

Chapter 1 pgs. 12-23 & 33-46

### August 20, Powers of the Courts and Judicial Review

Federalist # 79

*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) (M) (II)

*Ex parte McCulloch* (1803) (III)

*Baker v. Carr* (1962) (IV)

*Nixon v. U.S.* (1993) (V)

*Flast 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 10, Federalism: 10th Amendment, Commerce Clause, Necessary &

Proper

*McCulloch v. Maryland* (1819) (I)

*Dred Scott v. Sandford* (1857) (II)

*Hammer v. Dagenhart* (1918) (III)

*National League of Cities v. Usery* (1976) (IV)

*Alden v. Maine* (1999) (I)

*Michigan v. Long* (1983) (II)

*State of Missouri v. Holland* (1920) (III)

*Crosby v. National Foreign Trade Council* (2000) (IV)

*Printz v. United States* (1997) (V)

*United States v. Lopez* (1995) (VI)

### September 10, Regulatory Power of the States in the Federal System

*Jacobson v. Massachusetts* (1905) (M) (I)

*Pacific Gas & Electric Co. v. State Energy Resources & Dev. Commission* (1973) (M) (II)

~~September 26, Separation of Powers~~

- Mistretta v. United States* (1989) (I)
- Immigration and Nationalization Service v. Chadha* (1986) (II)
- Bowsher 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)
- US Term limits, Inc. v. Thornton* (1995) (II)

**October 10, Article I, Implied Powers**

- McGrain v. Daugherty* (1927) (I)
- Barenblatt v. US* (1950) (II)
- United States v. Curtis Wright Export Corp.* (1936) (III)
- Gilman v. Florida Legislative Investigation Commission* (1966) (IV)
- South Carolina v. Katzenbach* (1966) (V)

**October 12, Executive Powers: Article 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~~

- United States v. Nixon* (1974) (I)
- Mississippi v. Johnson* (1867) (II)
- 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**

- A. I. A. Schechter Poultry Corp. v. United States* (1935) (II)
- Carter v. Carter Coal Co.* (1936) (III)
- Wickard v. Filburn* (1942) (IV)
- U.S. v. Lopez* (1995) (V)
- United States v. Morrison* (2000) (All Groups)
- Gonzalez v. Raich* (2005) (All Groups)

**October 31, Commerce Powers**

- Champion v. Ames* (1903) (I)
- Heart of Atlanta Motel v. U.S.* (1964) (II)
- Coolidge v. Board of Wardens* (1859) (III)
- Southern Pacific Company v. Arizona* (1945) (IV)
- Heart v. Washington State Apple Advertising Commission* (1977) (V)
- Granholm v. Heald* (2005) (All Groups)

**November 6, Taxation and Spending Powers**

- South Carolina v. Baker* (1988) (III)
- Davis v. Michigan Dept. of Treasury* (1989) (IV)
- McCrum v. United States* (1961) (V)
- Dalrymple 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)
- Complete Auto Transit v. Brady* (1977) (V)
- Quill Corp. v. North Dakota* (1999) (All Groups)

**November 8, Economic Due Process**

- The Slaughterhouse Cases* (1873) (I)
- Muller v. Oregon* (1908) (V)
- Adkins v. Children's Hospital* (1925) (All Groups)

**November 14, The Contract Clause**

- Trustees of Dartmouth College v. Woodward* (1819) (II)

*Stone v. Mississippi* (1886) (IV)  
*Home Building and Loan Association v. Blaisdell* (1934) (IX)  
*United States Trust Co. v. New Jersey* (1977) (All Groups)  
*Allied Structural Steel Co. v. Spannaus* (1978) (All Groups)

**November 16, Simulation III**

*Nebbia v. New York* (1934) (I)  
*West Coast Hotel v. Parrish* (1937) (II)  
*Williamson v. Lee Optical Company* (1955) (III)

**November 22, Manuscripting Holiday**

*Stop the Beach Renourishment v. Florida Dept. of Economic Development* (2012) (XV, XVI)  
*Roman v. Doubler* (1974) (All Groups)

**November 29, The Takings Clause**

*Potter v. City of New London* (2005) (All Groups)  
*Kelo v. City of New London* (2005) (All Groups)

**Final Class Day**

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

**Important Dates**

August 20<sup>th</sup>—Final date for dropping without receiving a “W”

November 14<sup>th</sup>—Final date for dropping without receiving a “W”

December 7<sup>th</sup>—Final Exam 3-5 p.m.

**Groups for Briefs**

Students are responsible for briefing all cases assigned to their group. The cases are listed alphabetically as listed below.

- Group I** Conklin to Evans
- Group II** Gernsbacher to Hean
- Group III** Horn to Lathrop
- Group IV** Laurent to Rothermel
- Group V** Schmidt to Tyrney