

Course Syllabus

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The reading assignments below are mostly from the Maggs & Smith casebook (“M&S”). Additional materials may be assigned from time to time and posted on the CANVAS website for the course.

Class 1 (September 28)

Origins of the U.S. Constitution

- M&S pp. 1-13
- Declaration of Independence (see CANVAS website)
- Articles of Confederation (see CANVAS website)

Class 2 (September 30)

Reading the U.S. Constitution – Part 1

- Text of U.S. Constitution (Articles I-VII)

M&S (Appendix A) pp. 1499-1508

Class 3 (October 5)

Amending the Constitution

- Bill of Rights (Amendments 1-10)
- Amendments 11-28

M&S pp. 1509-1517

Approaches to Interpretation

- *District of Columbia v. Heller* (2008)
- *Roper v. Simmons* (2005) (see CANVAS)

M&S pp. 13-43

Class 4 (October 7)

Judicial Power and Judicial Review

- *Marbury v. Madison* (1803)
- *Martin v. Hunter’s Lessee* (1816)
- *Cooper v. Aaron* (1958)

M&S pp. 45-69

Class 5 (October 12)

Justiciability

- *Baker v. Carr* (1962)
- *Nixon v. U.S.* (1993)
- *Muskrat v. U.S.* (1911)
- *Allen v. Wright* (1984)
- *Lujan v. Defenders of Wildlife* (1992)
- *Ex parte McCardle* (1869)

M&S pp. 69-110

Class 6 (October 14)

Federalism and the Legislative Power

- *McCullough v. Maryland* (1819)

M&S pp. 111-126

The Commerce Power (Part 1)

- *Gibbons v. Ogden* (1824)
- *U.S. v. E.C. Knight* (1895)
- *Carter v. Carter Coal Co.* (1936)
- *NLRB v. Jones & Laughlin Steel Corp.* (1937)
- *U.S. v. Darby* (1941)
- *Wickard v. Fillburn* (1942)

M&S pp. 132-140; 150-162; (you can also skim the cases from pp. 140-150 – we will discuss them briefly in class, but they are not required)

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Class 7 (October 19)

The Commerce Power (Part 2)

- *Heart of Atlanta Motel v. U.S.* (1964)
- *Katzenbach v. McClung* (1964)
- *U.S. v. Lopez* (1995)
- *U.S. v. Morrison* (2000)
- *Gonzales v. Raich* (2005)
- *Nat'l Fed. of Ind. Business v. Sebelius* (2012) (part 1)

M&S pp. 162-204

Class 8 (October 21)

The Taxation Power

- *Child Labor Tax Case* (1922)
- *U.S. v. Kahriger* (1953)
- *Nat'l Fed. of Ind. Business v. Sebelius* (2012) (part 2)

The Spending Power

- *U.S. v. Butler* (1936)
- *South Dakota v. Dole* (1987)
- *Nat'l Fed. of Ind. Business v. Sebelius* (2012) (part 3)

M&S pp. 204-236

Class 9 (October 26)

Congressional War and Treaty Powers

- *Woods v. Cloyd W. Miller Co.* (1948)
- *Missouri v. Holland* (1920)

M&S pp. 236-242

Tribal Sovereignty Under the Constitution

- *Worcester v. Georgia* (1832) (CANVAS)
- [Tribal Nations: The Story of U.S. Indian Law](https://youtu.be/Xtjkn1Gufo) [_ \(https://youtu.be/Xtjkn1Gufo\)](https://youtu.be/Xtjkn1Gufo)



[. \(https://youtu.be/Xtjkn1Gufo\)](https://youtu.be/Xtjkn1Gufo)

(Video documentary) (2006)

<https://youtu.be/Xtjkn1Gufo> [_ \(https://youtu.be/Xtjkn1Gufo\)](https://youtu.be/Xtjkn1Gufo)



[. \(https://youtu.be/Xtjkn1Gufo\)](https://youtu.be/Xtjkn1Gufo)

- Hailey Fuchs, "[Justice Dept. Executes Native American Man Convicted of Murder](https://www.nytimes.com/2020/08/26/us/politics/lezmond-mitchell-executed.html?auth=login-)" [\(https://www.nytimes.com/2020/08/26/us/politics/lezmond-mitchell-executed.html?auth=login-](https://www.nytimes.com/2020/08/26/us/politics/lezmond-mitchell-executed.html?auth=login-)

[email&login=email](#)),” *New York Times*, August 26, 2020 [see CANVAS]

Class 10 (October 28)

MIDTERM EXAM AND DISCUSSION

Class 11 (November 2)

State Immunity from Federal Regulation

- *National League of Cities v. Usery* (1976)
- *Garcia v. San Antonio Metropolitan Transit Authority* (1985)
- *New York v. U.S.* (1992)
- *Printz v. U.S.* (1997)
- *Alden v. Maine* (1999)

M&S pp. 242-279

Class 12 (November 4)

Limitations on State Power – Preemption & Dormant Commerce Clause (Part 1)

- *Silkwood v. Kerr-McGee Corp.* (1984)
- *Gibbons v. Ogden* (1824) (part 2)
- *Cooley v. Board of Wardens* (1851)
- *Wabash, St. L. & P. Ry. Co. v. Illinois* (1886)
- *Dean Milk Co. v. City of Madison* (1951)
- *Hughes v. Oklahoma* (1979)
- *South Carolina Hwy Dept. v. Barnwell Bros.* (1938)
- *Southern Pacific Co. v. Arizona* (1945)
- *Kassel v. Consolidated Freightways Corp. of Delaware* (1981)

M&S pp. 281-325

Class 13 (November 9)

Dormant Commerce Clause (Part 2)

- *City of Philadelphia v. New Jersey* (1978)
- *Camps Newfound/Owatonna v. Town of Harrison* (1997)
- *South-Central Timber Dev., Inc. v. Wunnicke* (1984)
- *United Haulers Ass’n, Inc. v. Oneida-Herkimer Solid Waste Management Auth.* (2007)
- *Prudential Ins. Co. v. Benjamin* (1946)
- *Metropolitan Life Ins. Co. v. Ward* (1985)
- *South Dakota v. Wayfair* (2018) [CANVAS]

M&S pp. 325-340

Privileges and Immunities Clause

- *Baldwin v. Fish and Game Commission of Montana* (1978)
- *Supreme Court of New Hampshire v. Piper* (1985)

M&S pp. 340-349

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*****NO CLASS – VETERANS DAY (Nov. 11)*****

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Class 14 (November 16)

Executive Power – Foreign Policy

- *United States v. Curtiss-Wright Export Corporation* (1936)
- *Youngstown Sheet & Tube Co. v. Sawyer* (1952)
- *Goldwater v. Carter* (1979)
- *Dames & Moore v. Regan* (1981)
- *Zivotofsky v. Kerry* (2015)

M&S pp. 361-392

Class 15 (November 18)

Presidential War Powers

- Abraham Lincoln, *First Inaugural Address**
- Bruce Ragsdale, “*Ex parte Merryman* and Debates on Civil Liberties During the Civil War” (pp. 1-9, 33-34, 43-44)*
- Abraham Lincoln, *Emancipation Proclamation**
- *Ex parte Quirin* (1942)*
- *Korematsu v. U.S.* (1944)
- War Powers Resolution (1973)*
- Nixon Veto Message (1973)*
- *Hamdi v. Rumsfeld* (2004)
- Hurd and Schwartz, “The Supreme Court Travel Ban Ruling: A Summary” (discussing *Trump v. Hawaii* (2018))*

*See CANVAS website; M&S pp. 397-410; 775-783

Class 16 (November 23)

Separation of Legislative & Executive Powers (1)

- *Whitman v. American Trucking Associations* (2001)
- *N.S. v. Chadha* (1983)
- *Clinton v. New York* (1998)
- *Myers v. United States* (1926)
- *Humphrey's Executor v. U.S.* (1935)

M&S pp. 459-502

*****NO CLASS – HAPPY THANKSGIVING (Nov. 25)*****

Class 17 (November 30)

Separation of Legislative & Executive Powers (2)

- *Bowsher v. Synar* (1986)
- *Morrison v. Olson* (1988)
- *National Labor Relations Board v. Noel Canning* (2014)
- *Free Enterprise Fund v. Public Company Accounting Oversight Board* (2010)
- *Seila Law LLC v. Consumer Financial Protection Bureau* (2020)

M&S pp. 502-544

Class 18 (December 2)

Elections and the U.S. Constitution

- *U.S. Term Limits, Inc. v. Thornton* (1995)
- *Bush v. Gore* (2000)
- *Shelby County v. Holder* (2013)
- *Rucho v. Common Cause* (2019)
- *Chiafalo v. Washington* (2020)

M&S pp. 349-358; 910-916; 919-934; 967-977

Dean G. Falvy, "50 States of Anxiety: Will Federalism Save Democracy in America?" *Justia* (November 3, 2020) (CANVAS)

Matthew Rosenberg and Jim Rutenberg, "77 Days: Trump's Campaign to Subvert the Election," *New York Times* (Jan. 31, 2021) (CANVAS)

Class 19 (December 7)

Executive Privilege & Immunity

- *U.S. v. Nixon* (1974)
- *Nixon v. Fitzgerald* (1982)
- *Clinton v. Jones* (1997)
- *Trump v. Vance* (2020)
- *Trump v. Mazars* (2020)

M&S 410-452

Bills of Attainder




- *Nixon v. Administrator of General Services* (1977)


M&S 544-549

Removal of the President

- Charles L. Black, Jr., “The Impeachable Offense” (1974) (CANVAS)
- Dean G. Falvy, “Four Ways the Trump Presidency Might Not Last Four Years,” *Justia* (2017) (CANVAS)

Course Summary:

Date	Details	Due
Thu Oct 28, 2021	 LAW A 507 A Au 21: Constitutional Law I: Constitutional Structures Of Government (https://canvas.uw.edu/calendar? event_id=2399807&include_contexts=course_1480226)	5:30pm to 7pm
	 Midterm Quiz (https://canvas.uw.edu/courses/1480226/assignments/6782981)	due by 6:26pm
Tue Nov 23, 2021	 LAW A 507 A Au 21: Constitutional Law I: Constitutional Structures Of Government (https://canvas.uw.edu/calendar? event_id=2419785&include_contexts=course_1480226)	5:30pm to 7pm

Date	Details	Due
Thu Dec 9, 2021	 LAW A 507 A Au 21: Constitutional Law I: Constitutional Structures Of Government (https://canvas.uw.edu/calendar?event_id=2436593&include_contexts=course_1480226)	5:30pm to 7pm
