

# CONSTITUTIONAL LAW

## Course Description

This course will introduce students to major theories of constitutional interpretation as well as to a sampling of landmark constitutional law cases. We will focus on reading and discussing Supreme Court opinions on both the structure of government and rights against government. As a WE (writing emphasis) course, it will also focus heavily on both writing and revision of papers.

## Course Goals

While no single-semester course can hope to cover all the relevant cases, this aspires to familiarize the student with major themes as well as to whet his or her appetite for further study. By the end of the semester, a successful student should be able to describe and take positions on major theories of constitutional interpretation, understand how Supreme Court cases are decided and how opinions are written, and take a normative position on cases that come before the judiciary. Moreover, students should be able to write competent briefs on Supreme Court cases as well as write persuasively on matters of constitutional interpretation.

## Required Readings

Paulson, Calabresi, et. al. *The Constitution of the United States* (required)  
J. Harvie Wilkinson III, *Cosmic Constitutional Theory* (optional)  
Other readings to be made available on Blackboard

## Course Readings

We will begin the course by discussing theories of constitutional interpretation, after which we will read the following cases. Students must brief one case from each section. Briefs are due the day we discuss a case in class, without exception. All cases are in the casebook except where otherwise specified.

- I. Structure and powers of government
  - a. *Marbury v. Madison*
  - b. *Youngstown Sheet & Tube v. Sawyer*
  - c. *McCulloch v. Maryland*
  - d. *Mistretta v. U.S.*
  - e. *Clinton v. City of New York*
  - f. *Morrison v. Olson*
  - g. *U.S. v. Curtiss-Wright Export Corporation*
  - h. *Ex parte McCardle*

- i. *Dellums v. Bush*
- j. *Korematsu v. U.S.*
- k. *Ex parte Quirin*
- l. *Boumediene v. Bush*
- m. *Lopez v. U.S.*
- n. *Raich v. Gonzales*
- o. *NFIB v. Sebelius* (Blackboard)

## II. Rights against government

- a. *Buckley v. Valeo*
- b. *Texas v. Johnson*
- c. *New York Times v. U.S.*
- d. *District of Columbia v. Heller*
- e. *Mapp v. Ohio*
- f. *Miranda v. Arizona*

## III. Fourteenth Amendment and Substantive Due Process

- a. *Slaughterhouse Cases*
- b. *Dred Scott v. Sanford*
- c. *Plessy v. Ferguson*
- d. *Brown v. Board of Education I*
- e. *Lochner v. New York*
- f. *Wickard v. Fillburn*
- g. *Griswold v. Connecticut*
- h. *Roe v. Wade*
- i. *Casey v. Planned Parenthood*
- j. *Bowers v. Hardwick*
- k. *Lawrence v. Texas*