

**Political Science 4253  
The U.S. Constitution I  
Spring, 2021**

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Office hours: Tues., 11:00 AM -12:00 PM,  
Wed., 3:00-4:00 PM, or by appt.  
Note: my office hours can be accessed on  
Bb via Zoom

*I am not an advocate for frequent changes in laws and constitutions. But laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times. We might as well require a man to wear still the coat which fitted him when a boy as civilized society to remain ever under the regimen of their barbarous ancestors.*

**--Thomas Jefferson,  
Letter to Samuel Kercheval, July 12, 1810**

*I have never been more struck by the good sense and the practical judgment of the Americans than in the manner in which they elude the numberless difficulties resulting from their Federal Constitution.*

**--Alexis de Tocqueville,  
Democracy in America (1835), pt. 8**

## **I. Course Overview and Objectives**

In this class we shall explore the growth and change of the U.S. government through history. We will do this by examining the profound changes flowing from decisions handed down by the United States Supreme Court when interpreting the federal constitution.

The course itself is broken down into three units. In the first unit, we explore the reasons nations have a constitution, the nature of the social contract, and discuss the early historical development of the Constitution of the United States. In the second unit, we will examine the powers of each of the three branches of the federal government and the Doctrine of the Separation of Powers. We will look at how the court has changed its interpretation of the doctrine over time and how those changes have affected the powers held by each of the branches. In the third unit, we will discuss how the relationship between the federal government and the states has changed over time and examine the concept of federalism.

It should be noted that although we will be discussing a great deal of the case law and doctrine employed by the court when interpreting the Constitution, this is not a course on constitutional law, *per se*. Instead, we will focus our attention on the social, political, and historical factors that have shaped the development of the Constitution and its interpretation over time. Therefore, the

focus of the course is broader than would be expected in a constitutional law course.

- II. Spring 2021: The Remote Format** (note: the information in this section supersedes any material discussed in the other sections of this syllabus).
- **Method of delivery:** This class will be taught in a remote format. Lectures will be delivered mostly **synchronously** via Zoom on Blackboard.
  - **Problems with Zoom, Blackboard, or any other technology:** Please contact Help Desk at 479-575-HELP (4357).
  - **Email:** Students are responsible for checking their UARK accounts regularly. All communication between student and instructor and between student and student should be respectful and professional.
  - **Assignments:** Assignments will be submitted through Blackboard.
  - **Recording:** All lectures will be recorded and made available for your viewing until the end of the unit. Please note this is done for those who are sick, are facing technological challenges, or dealing with other issues that prevent them attending the synchronous lectures. It is expected that **all** students otherwise attend the synchronous lectures on Zoom. By attending this class, you understand the course is being recorded and you consent to being recorded for official university educational purposes. Be aware that incidental recording may also occur before and after official class times. Recordings of my lectures are protected under national and international for the sole purpose of this class and may not be stored, replicated, or distributed in a manner inconsistent with the purposes of this class. Individuals engaged in the unlawful distribution of class recordings will be subject to referral to the Office of Student Standards and Conduct and may be subject to civil and criminal penalty. See <https://keep-teaching.uark.edu/unauthorized-use-of-class-recordings-and-notes.php> for more information. Continued enrollment in this class signifies your intent to abide by the policy.
  - **Continuity plan:** In the event the UA goes completely remote, nothing will change in this class.
  - **Participation:** All students enrolled in remote courses are expected to participate in remote learning. While I recognize the circumstances and situations for learners may vary, I also understand the importance of keeping students engaged in learning at this time. It is critical that you remain active and attentive in this class.
  - **Some important information about lectures:**
    - Check university email for course communications daily.
    - Log in to the course in Blackboard to check for class materials and announcements.
    - Attend scheduled (synchronous) class sessions in Blackboard, arriving on time and leaving at the end of the class session.
    - Participate in video/real time lessons.
    - Participate in synchronous and asynchronous conversations and activities.
    - In live sessions use your video camera unless your bandwidth is poor.
    - If possible, use a headset with a built-in microphone rather than your computer's speakers and microphone to reduce echo and extraneous noise.
    - Make sure you are in a quiet location and mute your microphone when not speaking.

- Try to get to know others. Introduce yourself to classmates and refer to them by name.
  - Take the group work in the judicial simulation seriously. Remember that your peers will enrich your learning and you will enrich theirs. They will also grade you.
  - Listen respectfully and do not interrupt or engage in private conversations while others are speaking.
  - Be patient and supportive of classmates.
  - Preview and review before every class session.
  - Actively take notes.
  - Analyze all graded work and other feedback I provide to develop a plan for improvement.
  - Complete assigned work/learning activities by indicated due dates.
  - Reach out my teaching assistant and to me, as needed.
  - Communicate regularly with me, particularly if you are experiencing issues. Please inform me immediately if you become unable to attend class.
  - Attend my office hours to seek clarity on questions relative to the course.
  - Ensure that your environment is conducive to schoolwork and free from distractions.
  - Treat each day like a class day. Attend synchronous sessions and complete homework as you would when in an on-campus course.
  - Interact appropriately as is required in face-to-face (in person) courses and follow the Code of Student Life.
  - Conduct yourself with integrity when completing assignments or taking assessments.
  - Consider Blackboard and Zoom (or other learning tools used in this class) to be like a classroom setting. The same code of conduct and expectations are required of students.
  - Dress appropriately for video, and ensure backgrounds are appropriate.
  - Limit conversations to those that are appropriate for a classroom setting. Personal chats or conversations not related to the learning environment should be conducted outside of remote course environments.
- **Academic Integrity:** Exams in this class will be take home format. You may use any material from your lecture notes or the readings to complete the exam. Using **any** outside assistance (or helping others), including (but not limited to) texting apps, Wikipedia, another human, is strictly forbidden. Violation of this policy will result in a referral to the Academic Integrity Monitor and sanction.
  - **Course Accommodations:** University of Arkansas Academic Policy Series 1520.10 requires that students with disabilities are provided reasonable accommodations to ensure their equal access to course content. If you have a documented disability and require accommodations, please contact me privately to make arrangements for necessary classroom adjustments. Please note, you must first verify your eligibility for these through the Center for Educational Access (contact [ada@uark.edu](mailto:ada@uark.edu) or visit <http://cea.uark.edu> for more information on registration procedures).

### III. Required Texts:

Epstein, Lee, and Thomas G. Walker. 2020. *Constitutional Law for a Changing America: Institutional Powers & Constraints*, 10<sup>th</sup>. ed. Washington, DC: CQ Press. ISBN: 9781544317908.

**IV. Optional Text**

Dahl, Robert A. 2003. *How Democratic is the American Constitution?* New Haven: Yale University Press. ISBN: 9780300095241.

**V. Course Requirements:**

Unit I Exam .....	100
Unit II Exam.....	100
Unit III Exam .....	100
Briefs (5 total)/Optional Paper .....	100
Judicial Simulation.....	100
Participation.....	50

**A. Exams:**

An open-book, open-note exam will be given at the conclusion of each of the units. They will be composed of two essay questions.

**B. Briefs/Optional Term Paper:** you will choose to write five case briefs or an optional term paper.

- a. **Briefs:** They are to be one page per case; write and turn in a brief for all cases listed in **bold** on the reading list below. It is also expected that you will be writing (but not turning in) briefs for all of the cases you are to read for this course. For more information on how to brief a case, see the instructions on the Blackboard site.<sup>1</sup>
- b. **Optional term paper:** Students needing to complete a term paper to meet the PLSC departmental requirement for a senior writing requirement may substitute a 12 to 15-page term paper for the briefs (due the last class period prior to Dead Day). You will also need to turn in a proposed topic, outline, and annotated bibliography at dates specified later. However, to do so, you must receive my permission to do so **prior to the due date for the first case brief**. If you choose this option, I will provide you with further written instructions and due dates.

**C. Judicial Simulation:**

- a. **Description:** In this activity, we will simulate real cases before the real U.S. Supreme Court during the current term. In each case, a team of students acting as attorneys for each side will submit briefs outlining their arguments to the court. The attorneys also will present their case in oral arguments. Our Supreme Court will be composed of other students from class who will hear the cases and issue individual opinions (i.e., each justice will submit three opinions).
- b. **Purposes:** The purposes of these moot courts are several. I hope you learn even more about some of the concepts we have discussed in class. I also hope you are able to parlay what you have learned into class in way that assists you with this

hands-on project. I also expect that you have a little fun with this assignment – but not too much fun, as this assignment does constitute a large portion of your overall grade and I thus expect a great deal of high quality work.

c. **Actors and Responsibilities:**

- 1) **Attorneys:** The lawyers for each side in the case will be responsible for submitting to the court one single brief outlining the position for which they are arguing. The lawyers for each side will find significant collaboration necessary for the compilation of the brief. Further, all material in the brief must be fully integrated – I don't want to see several "mini-briefs" stapled together. A wide range of arguments can be used in this brief. Everything from a broad philosophic argument to specific case citations (for precedent) can and should be used. The brief should be 15-25 pages long (check the syllabus for the due date). Each team shall elect a "Lead Counsel" to coordinate the legal research efforts and to serve as a contact person for your group.

The team representing each side will present oral arguments to the court. The exact form of the argument is up to each legal team, but it is expected the oral argument be presented in a professional, well-crafted manner. Professional dress and *substantial* preparation are highly recommended. Instructions and tips for presenting oral arguments will be posted on Blackboard. I encourage the justices to be familiar with them, as well.

The quality of the briefs is highly dependent upon the quality of the members of the legal teams. The grade you receive for this simulation will be, in part, determined by your team members (in the form of periodic peer evaluations). If a legal team deems one of its members is not carrying his or her own weight, by unanimous vote of the remaining members, the team can remove that person. Unless that former member can convince another legal team to take them in, he or she will receive an "F" for the assignment. *Moreover, at the beginning of the project, legal team members must write and each sign an agreement specifying their own individual roles in the project and the date(s) when their portion of the project will be due to the other team members. The agreement will also require students submit any written work they have completed for the brief to SafeAssign and to agree to comply with the UA Academic Integrity Policy.*

Each team will turn in one hardcopy of their brief with all the names of the team members on the title page and one electronic version via email.

- 2) **Justices:** The role of the justices is very similar to that of those on the real Supreme Court. They will read the briefs written by the legal teams and will hear the oral arguments of the case, and, most important of all, *ask the legal teams questions from the bench* (I expect one question from each justice for each case). Justices will need to be very familiar with the legal teams' briefs *prior* to oral arguments. After they have heard the arguments, the justices will individually write an opinion 8-10 pages in length for **each case** (check the syllabus for the due date). The justices will turn in to me for each case one hardcopy and one electronic version via email (in MS Word or pdf).

d. A note on grading: Your overall grade on this assignment will be a product of several things:

1) For the legal team members:

The group's grade will be composed of:

- The grade received by the group on its written briefs (75%)
- The quality of the group's oral arguments presentation in (25%)

Your individual grade will be the product of the average of the "peer evaluations" of you by your fellow group members multiplied by your group's grade.

For example, if your group received a 92% on your written briefs, a 90% on the oral arguments presentation, and you received a "B" (85%) in your group's evaluation of you, your individual grade will be a 77.8. I get this number by doing this:  $[(95*.75)+(.90*.25)]*.85=77.8$

Because your group's evaluation of you can greatly impact your individual score (i.e., the one that goes in the gradebook) is in your best interest to pull your weight in your group!

2) For the justices:

- The grade you received on each of your written opinions (25 points max per case).
- Your participation during oral arguments (25 points max).

## VI. Additional Policies of Interest:

**Academic Integrity.** As a core part of its mission, the University of Arkansas provides students with the opportunity to further their educational goals through programs of study and research in an environment that promotes freedom of inquiry and academic responsibility. Accomplishing this mission is only possible when intellectual honesty and individual integrity prevail. Therefore, each University of Arkansas student is required to be familiar with and abide by the University's 'Academic Integrity Policy' which may be found at <http://provost.uark.edu/>. Students with questions about how these policies apply to our particular course should contact me immediately. As a general rule, please note the University and I take plagiarism *very* seriously. You must cite fully any information that did not originate in your head. You have been warned. Please do not try me. Remember, when in doubt, cite!

**Before Class:** If you have a question for me before class, please hold it until after (or even during) class. If you need to come to my office, please do so during my office hours or *after* class.

**Blackboard:** There is a Blackboard web page for this class. I will be using it for posting readings, a copy of this syllabus, and for miscellaneous things.

**Buffoonery:** The University of Arkansas' Code of Student Conduct prohibits in sec. 20(f) acts of buffoonery. Please avoid conducting acts of buffoonery in this class.

**Cell Phones:** Every time a cell phone rings in this class, everyone gets a pop quiz. Ringing cell phones will be confiscated and returned after class in several small pieces.

**Classroom etiquette:** Arriving late to class, leaving early, reading newspapers in class, non-

course related chatter: DON'T. If I find you are doing any of these things, I will ask you to cease -- and I cannot guarantee that I will be very polite in doing so. And please, no flash photography.

**Copyright.** All lectures, lecture notes, overheads, handouts, and exams are protected under federal and international copyright law. Students are strictly prohibited from posting on websites or selling any material generated from this class, including, but not limited to, lecture notes, assignments, or exam answers.

**Disabilities:** I will make reasonable accommodations for students who have a documented disability. If you have a disability that may require assistance or accommodation, or you have questions related to any accommodations for testing, note-takers, readers, etc., please notify me during the first two weeks of class.

**E-Mail:** Because I use e-mail a lot to communicate with the class (for reminders and announcements), I ask that you check your "uark.edu" e-mail address regularly (at least every other day). Because I am using the University's class email list, I cannot send email to non-uark.edu accounts. Not receiving important emails from me because your account quota was full is bad. Only on the most rare occasions do I accept papers and assignments via email and only in cases where something really important is keeping you from coming to class the day it is due (for example, you have severed an artery and you have to go the doctor to get it fixed). If you cannot come to class, please put the assignment in my box in the PLSC main office, 428 Old Main.

**Emergency procedures:** Many types of emergencies can occur on campus; instructions for specific emergencies such as severe weather, active shooter, or fire can be found at [emergency.uark.edu](http://emergency.uark.edu).

Severe Weather (Tornado Warning):

- Follow the directions of the instructor or emergency personnel.
- Seek shelter in the basement or interior room or hallway on the lowest floor, putting as many walls as possible between you and the outside.
- If you are in a multi-story building, and you cannot get to the lowest floor, pick a hallway in the center of the building.
- Stay in the center of the room, away from exterior walls, windows, and doors.

Violence / Active Shooter (CADD):

- CALL – 9-1-1
- AVOID – If possible, self-evacuate to a safe area outside the building. Follow directions of police officers.
- DENY – Barricade the door with desk, chairs, bookcases or any items. Move to a place inside the room where you are not visible. Turn off the lights and remain quiet. Remain there until told by police it's safe.
- DEFEND – Use chairs, desks, cell phones or whatever is immediately available to distract and/or defend yourself and others from attack.

**Exams:** If you arrive late to an exam you might not be able to take it at that time. If you arrive late to an exam without an excuse, you will not be able to take a make-up exam (See also Make-up

Exams). Blue books turned in with pages torn-out or otherwise missing will be returned ungraded.

**Extra Credit:** Whenever there is a University function that is related to the course, I often offer extra credit to students who attend the event. To receive extra credit, attend the announced event, type up a 1 to 2 page summary of the event (include your own thoughts, please) and turn it in no later than one week after the event. However, to receive credit, I must announce the function in class ahead of time (so if you hear of something, please let me know). I offer these as opportunities to receive credit and they are done at my own discretion. If you can't make the event(s) because of work, familial, or other obligations, you are out of luck...sorry. You can only receive up to 5% of the total number of possible points for the class from extra credit assignments.

**Inclement Weather:** If the weather turns sour and the university invokes the "Inclement Weather Policy," class will be cancelled (even if the University is open or classes are simply delayed that day). All assignments, readings, and/or take-home exams will be due at the next time class meets. If we were to have an exam that day, the exam will be given during the next class session.

**Late Things:** On days when something is due, it is due in class at the beginning of class. If you turn something in late without an excuse, I deduct ten percentage points from the time it is due, and then double the number of percentage points each additional 24 hour period it is late (i.e., a paper turned in 25 hours late will lose 20 percentage points). If you turn in your work to my departmental box prior to class, and then miss class without an excuse, it counts as late. Late work is not accepted after I have returned that assignment to the rest of the class.

**Make-up Exams:** Make-up exams are allowed only in cases of proven (i.e., documented) emergencies, and will take place during the time allotted during finals week. If you have an emergency that prevents you from taking an exam, you must contact me as soon as possible to tell me that you cannot take it. Also, you need to contact me no fewer than two weeks before finals week to schedule a make-up. Failure to do so in time will result in an "F" grade for that exam. Early exams will not be given under any circumstances.

**Missing Class:** If you miss class, please do not ask me for lecture notes; instead, bug another student. *Under no circumstances do I give out my lecture notes, even to those students with valid excuses for missing class.* If you miss class the day I return exams, papers, or assignments, or hand-out study guides you must get them up at my office, during my office hours ONLY.

**Returned Papers, Exams, and Assignments:** Please retain all material returned to you in the event I make a mistake on your final grade. I cannot change a disputed grade unless I have proof of the mistake.

**Staples:** Recent technological breakthroughs have made staplers both plentiful and easy to operate. All work turned into to me, if longer than one page, must be stapled. Non-stapled, dog-eared, or even paper-clipped pages will be returned to the student without a grade. If you have difficulty locating or operating a stapler, please do not hesitate to ask me for help.



**Written Work:** Written Work: All work submitted on Blackboard must be submitted as an MS Word document. The quality must be of college-level writing (or graduate student writing for graduate students). If a writing assignment do not meet these criteria, it will be returned ungraded with a “zero” score. For help with the details of writing, see “Dr. Schreckhise’s Writing Tips” on Blackboard. All written work submitted to me must be typed and of college-level writing (or graduate student writing for graduate students). If a writing assignment does not meet either of these criteria, it will be returned ungraded with a “zero” score. For help with the details of writing, see “Writing Tips” on Blackboard.

**VII. Readings:**

I reserve the right to alter the readings as the course progresses.

Day	Topic	Readings	Cases
Jan. 11, Mon.	Introductory Remarks	This Syllabus	
Jan. 13, Wed.	<b>Unit I: Why Do We Have a Constitution? Logic, History and the Role of the Court</b>  Political Science and Public Law, and the Constitution		
Jan. 15, Fri.	The Social Contract	Hobbes’ Leviathan, Chs. 13, 17-19 Available at <a href="http://www.gutenberg.org/files/3207/3207-h/3207-h.htm">http://www.gutenberg.org/files/3207/3207-h/3207-h.htm</a>  Locke’s Second Treatise, Ch. 2, 9 Available at <a href="http://www.gutenberg.org/ebooks/7370">http://www.gutenberg.org/ebooks/7370</a>	
Jan. 18, Mon. <b>No class</b>			
Jan. 20, Wed.	Constitutional	EW: pp. 2-6	

Day	Topic	Readings	Cases
	History: Articles of Confederation	The Articles of Confederation Available at <a href="http://avalon.law.yale.edu/18th_century/artconf.asp">http://avalon.law.yale.edu/18th_century/artconf.asp</a>	
Jan. 22, Fri.	Constitutional History: Ratification	EW: pp. 6-9 <i>Federalist</i> #10, available at <a href="http://avalon.law.yale.edu/18th_century/fed10.asp">http://avalon.law.yale.edu/18th_century/fed10.asp</a> <i>Federalist</i> #51, available at <a href="http://avalon.law.yale.edu/18th_century/fed51.asp">http://avalon.law.yale.edu/18th_century/fed51.asp</a>	
Jan. 25, Mon.	Judicial Review of Congress and the President	EW: pp. 61-69 <i>Federalist</i> #78, available at <a href="http://avalon.law.yale.edu/18th_century/fed78.asp">http://avalon.law.yale.edu/18th_century/fed78.asp</a>	<b><i>Marbury v. Madison</i> (1803)</b>
Jan. 27, Wed.	Judicial Review of State Court Decisions	EW: pp. 69-75	<i>Martin v. Hunter's Lessee</i> (1816)
Jan. 29, Fri.	Court Structure and Hearing Cases	EW: pp. 10-22	
Feb. 1, Mon.	Deciding how to Decide	EW: pp. 22-33	
Feb. 3, Wed.	Constraints on Judicial Power: Jurisdiction	EW: pp. 83-91	<i>Ex parte McCordle</i> (1869) <i>Patchak v. Zinke</i> (2018)
Feb. 5, Fri.	Constraints on Judicial Power: Justiciability	EW: pp. 91-95	
Feb. 8, Mon.	Constraints on Judicial Power: Justiciability (cont.)	EW: pp. 95-109	<i>Baker v. Carr</i> (1962) <i>Nixon v. United States</i> (1993)
Feb. 10, Wed.	Constraints on Judicial Power: Jurisdiction, Justiciability, and Standing to Sue	EW: pp. 110-117	<i>Flast v. Cohen</i> (1968)

Day	Topic	Readings	Cases
	(cont.)		
Feb. 12, Fri.	<b>Unit I Exam</b>		
Feb. 15, Mon.	<b>Unit II: Separation of Powers</b> Introduction to Separation of Powers	<i>Federalist</i> #47 Available at <a href="http://avalon.law.yale.edu/18th_century/fed47.asp">http://avalon.law.yale.edu/18th_century/fed47.asp</a> <i>Federalist</i> #48 Available at <a href="http://avalon.law.yale.edu/18th_century/fed48.asp">http://avalon.law.yale.edu/18th_century/fed48.asp</a>	
Feb. 17, Wed.	Legislative Power: Source and Scope	EW: pp. 119-122; 143-154	<b><i>McCulloch v. Maryland</i> (1819)</b>
Feb. 19, Fri.	Selecting the President	EW: pp. 181-192	<i>Bush v. Gore</i> (2000)
Feb. 22, Mon.	<b>No class</b>		
Feb. 24, Wed.	Executive Power: --Tools --The 'Faithful Execution of the Laws'	EW: pp. 195-205	<i>In re Neagle</i> (1890)
Feb. 26, Fri.	Executive Power: --Appointments and Removal	EW: pp. 213-214; 227-235	<i>Myers v. United States</i> (1926) <b><i>Humphrey's Executor v. United States</i> (1935)</b>
Mar. 1, Mon.	Executive Power: --Executive Immunity --Executive Privilege	EW: pp. 235-254	<i>U.S. v. Nixon</i> (1974) <i>Mississippi v. Johnson</i> (1867) <i>Nixon v. Fitzgerald</i> (1982) <i>Clinton v. Jones</i> (1997)
Mar. 3., Wed.	Separation of Powers: Domestic Powers --Delegation of Powers	EW: pp. 266-273 <i>Hampton and Co. v. U.S.</i> (1928) (available on the Blackboard site) <i>Panama Refining Co. v. Ryan</i> (1935) (available on the Blackboard site)	<i>Mistretta v. United States</i> (1989)
Mar. 5, Fri.	Separation of Powers: --Congressional Usurpation of	EW: 273-283	<i>INS v. Chadha</i> (1983) <i>Bowsher v. Synar</i> (1986)

Day	Topic	Readings	Cases
	Executive Powers --Legislative Veto		
Mar. 8, Mon.	Separation of Powers: Emergencies and Conflicts --Overview --Civil War	EW: pp. 283-295	<i>The Prize Cases</i> (1863) <i>Ex parte Milligan</i> (1866)
Mar. 10, Wed.	Separation of Powers: Emergencies and Conflicts --WWII and Korean War --War on Terror	EW: pp. 283-310	<i>Korematsu v. U.S.</i> (1944) <i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i> (1952) <i>Hamdi v. Rumsfeld</i> (2004)
Mar. 12, Fri.	<b>Unit II Exam</b>		
Mar. 15, Mon.	<b>Unit III: Federalism, the Commerce Clause, Taxes, and Economic Liberty</b>  Federalism --Early thoughts	EW: pp 341-348 <i>Federalist</i> #33 Available at <a href="http://avalon.law.yale.edu/18th_century/fed33.asp">http://avalon.law.yale.edu/18th_century/fed33.asp</a> p The Virginia Resolution Available at <a href="http://avalon.law.yale.edu/18th_century/virres.asp">http://avalon.law.yale.edu/18th_century/virres.asp</a> p The Kentucky Resolution Available at <a href="http://avalon.law.yale.edu/18th_century/kenres.asp">http://avalon.law.yale.edu/18th_century/kenres.asp</a> sp South Carolina Ordinance of Nullification, November 24, 1832. Available at <a href="http://avalon.law.yale.edu/19th_century/ordnull.asp">http://avalon.law.yale.edu/19th_century/ordnull.asp</a>	
Mar. 17, Wed.	Federalism --Marshall Court --Dual Federalism	EW: pp 348-355	<i>McCulloch v. Maryland</i> (1819) <i>Dred Scot v. Sanford</i> (1857)
Mar. 19, Fri.	The Commerce	EW: pp. 405-420	<i>Gibbons v. Ogden</i> (1824)

Day	Topic	Readings	Cases
	Clause --pre-New Deal		<i>U.S. v. E.C. Knight</i> (1895) <i>Stafford v. Wallace</i> (1922)
Mar. 22, Mon.	The Commerce Clause -- Commerce and Federal Police Powers	EW: pp. 420-428	<i>Champion v. Ames</i> (1903) <i>Hammer v. Dagenhart</i> (1918)
Mar. 24, Wed.	The Commerce Clause -- New Deal	EW: pp. 428-449	<i>Schechter v. U.S.</i> (1935) <i>NLRB v. Jones &amp; Laughlin Steel Co.</i> (1937)
Mar. 26, Fri. <b>No class</b>			
Mar. 29, Mon.	The Commerce Clause: -- Post-New Deal	EW: pp. 449-463	<i>United States v. Darby</i> (1941) <i>Wickard v. Filburn</i> (1942) <i>Heart of Atlanta Motel v. United States</i> (1964)
Mar. 31, Wed.	The Commerce Clause --Modern Limitations on Federal Power	EW: pp. 359-379	<i>Garcia v. San Antonio Metropolitan Authority</i> (1985) <i>New York v. United States</i> (1992) <i>Printz v. United States</i> (1997)
Apr. 2, Fri. <b>No class</b>			
Apr. 5, Mon.	The Commerce Clause and the 11 <sup>th</sup> Amendment	EW: pp. 382-388; 463-493	<b><i>U.S. v. Lopez</i> (1995)</b> <i>U.S. v. Morrison</i> (2000) <i>Gonzalez v. Raich</i> (2005) <i>NFIB v. Sebelius</i> (2012)
Apr. 7, Wed.	National Preemption of State Laws	EW: pp. 389-404	<i>Missouri v. Holland</i> (1920) <i>Crosby v. National Foreign Trade Council</i> (2000) <i>Arizona v. U.S.</i> (2012)
Apr. 9, Fri.	Commerce Power of the States	EW: pp. 496-510 <b>Moot court legal team briefs due</b>	<i>Cooley v. Board of Wardens</i> (1852) <i>Southern Pacific Company v. Arizona</i> (1945) <i>Hunt v. Washington State Apple Advertising Commission</i> (1977)

Day	Topic	Readings	Cases
			<i>Maine v. Taylor</i> (1986)
Apr. 12, Mon.	Taxing and Spending Powers: --Direct Taxes and Income Taxes	EW: pp. 515-525	<i>Pollock v. Farmers' Loan &amp; Trust Co.</i> (1895)
Apr. 14, Wed.	Taxing and Spending --Taxing and Spending for the "General Welfare"	EW: pp. 542-564	<i>U.S. v. Butler</i> (1936) <i>Steward Machine Co. v. Davis</i> (1937) <i>South Dakota v. Dole</i> (1987) <b><i>NFIB v. Sebelius</i> (2012)</b>
April 16, Fri.	Economic Liberties and Substantive Due Process	EW: pp. 584-585; 617-634	<i>The Slaughterhouse Cases</i> (1873) <i>Munn v. Illinois</i> (1877) <i>Allgeyer v. Louisiana</i> (1897)
Apr. 19, Mon.	Economic Liberties and Substantive Due Process	EW: pp. 634-650	<i>Lochner v. New York</i> (1905) <i>Muller v. Oregon</i> (1908) <i>Adkins v. Children's Hospital</i> (1923)
Apr. 21, Wed.	Economic Substantive Due Process	EW: pp. 650-667	<i>Nebbia v. New York</i> (1934) <i>West Coast Hotel v. Parrish</i> (1937) <i>Williams v. Lee Optical Co.</i> (1955)
Apr. 23, Fri.	Judicial Simulation		
Apr. 26, Mon.	Judicial Simulation		
Apr. 28, Wed.	Judicial Simulation		
Mon., May 3, 5:00 PM	<b>Exam III due</b>	<b>Justices' moot court opinions due</b>	