Course Description and Goals
Constitution Law I is a three-credit course with four main objectives: First, you should develop an understanding of the role of the judiciary in shaping society and our system of government. Second, you should become familiar with the most important principles of constitutional law and the historical context of the cases you analyze. Third, you should develop the ability to summarize court cases into concise legal briefs. Fourth, you should develop an ability to use precedents, logic, and evidence to evaluate Supreme Court decisions and predict future court decisions.

The following rules govern this class:
1. Laptops are not permitted in class.
2. Lateness over 10 minutes will be counted as an absence.
3. Preparation is mandatory; failure to be prepared three times will result in a ½ step grade reduction, e.g. from a B- to a C+.
4. You must always be respectful and professional.
5. You cannot exceed five absences without receiving an administrative “F.”
6. THERE ARE 137 CASES IN CONSTITUTIONAL LAW I: YOU ARE RESPONSIBLE FOR ALL OF THEM.
7. Grades: 100% from the final – Extra Credit can be given at Professor’s discretion.
8. Final grades are subject to the Law School’s grade normalization policy; there is a B- curve for this class.
9. Professor reserves the right to give a mid-term which would comprise 25% of the final grade and to give for- credit quizzes as deemed appropriate.
10. NOTE*** TEXT IS THE 4TH EDITION

Learning Outcomes:
By the end of this course, you should:
1. Be able to read and brief a US Supreme Court Case.
2. Be able to analyze a Supreme Court case using context rules, history, public policy, and politics.
3. Be conversant with the US Constitution.
4. Identify the source of judicial review.
5. Recognize the source(s) of the federal legislative and executive powers.
7. Be able to demonstrate the skills enumerated in the “course description.”
**Students will demonstrate these skills through quizzes, exams, classroom participation and in-class exercises. **

Case Briefing
1. Decide on a format and stick to it.
2. Be as brief as possible.
3. Use the brief and the process of briefing as a learning tool.
4. Identify the statute (there is usually one in Constitutional Law).
5. What is the nature and status of the case?
6. What are the relevant facts?
7. What is the rule of law?
8. What is the issue (what is the problem presented by the facts?)
9. What is the holding and the decision?
10. What is the reason for reading this case?
ASSIGNMENTS:
Three main questions for the first three chapters in analyzing Articles I, II, and III:

1. What is the power being discussed?
2. What is the source of that power (e.g., constitution, statute, etc.)?
3. What are the checks and balances on the power?

WEEK ONE

- Read Article III of the U.S. Constitution; Constitutional Law: Principles and Policies pp. 1 - 47
- Chapter One: The Federal Judicial Powers pp. 1 – 40
  Introduction
  A. The authority for judicial review
     • Marbury v. Madison
     • Martin v. Hunter’s Lessee
     • Cohens v. Virginia
  Limits on the Federal Judicial Power
  Interpretive Limits
     • District of Columbia v. Heller
  Congressional Limits
     • Ex Parte McCardle
     • United States v. Klein

WEEK TWO

  Justiciability Limits
  Prohibition on Advisory Opinions
     • Plaut v. Spendthrift Farm, Inc.
  Standing
  Constitutional Requirements
     • Allen v. Wright
     • Massachusetts v. EPA
  Prudential Requirements
  Prohibition against Third Party Standing.
     • Singleton v. Wulff
     • Gilmore v. Utah
  The Prohibition against Generalized Grievances
     • United States v. Richardson
     • Flast v. Cohen

WEEK THREE

- Constitutional Law: Principles and Policies pp. 104 – 151; Text 81 - 113
  Ripeness
     • Poe v. Ullman
     • Abbott Laboratories v. Gardner
  Mootness
     • Friends of the Earth v. Laidlaw
     • United States Parole Comm. v. Geraghty
The Political Question Doctrine - The Political Question Defined
- Baker v. Carr
- Vieth v. Jubelirer

The Political Question Applied
- Powell v. McCormack

The Political Question Applied: Foreign Policy
- Goldwater v. Carter

The Political Question Applied: Impeachment and Removal
- Nixon v. United States

PLEASE NOTE THAT WE ARE GOING TO CHAPTER THREE

WEEK FOUR
Read Article II of the U.S. Constitution
Constitutional Law: Principles and Policies pp. 343 - 361
Chapter Three: The Federal Executive Power pp. 317 - 369
Inherent Presidential Power
- Youngstown v. Sawyer
- United States v. Nixon

The authority of Congress to Increase Executive Power
- Clinton v. City of New York

The Constitutional Problems of the Administrative State
The Non-Delegation Doctrine and Its Demise
- A. L. A. Schechter Poultry v. United States
- Whitman v. American Trucking

The Legislative Veto and Its Demise
- Immigration v. Jagdish Rai Chadha

Checking Administrative Powers

The Appointment Power
- Alexia Morrison v. Olson

WEEK FIVE
Separation of Powers and Foreign Policy
Are Foreign Affairs and Domestic Affairs Different?
- United States v. Curtiss-Wright

Treaties and Executive Agreements
- Dames & Moore v. Regan

War Powers
Presidential Powers and the War on Terrorism
Detentions
- Hamdi v. Rumsfeld
- Boumediene v. Bush

Checks on the President
Suing and Prosecuting the President
- Nixon v. Fitzgerald
- Clinton v. Jones

Impeachment
WEEK SIX
Read Article I of U.S. Constitution
Constitutional Law: Principles and Policies pp. 238 - 258
Chapter Two: The Federal Legislative Power pp. 115 – 173
Introduction: Congress and the States
- McCulloch v. Maryland
- National Federation of Independent Businesses v. Sebelius
The Necessary and Proper Clause
- United States v. Comstock
The Commerce Power
The Initial Era: Gibbons v. Ogden Defines the Commerce Power
- Gibbons v. Ogden
1890s - 1937: A Limited Federal Commerce Power
  a. What is Commerce?
  b. What does Among States Mean?
  c. Does the Tenth Amendment Limit Congressional Powers?
1937 – 1990s: Broad Federal Commerce Power
- NLRB v. Jones
- United States v. Darby
- Wickard v. Filburn

WEEK SEVEN
- Heart of Atlanta v. United States
- Katzenbach v. McClung
The 10th Amendment between 1937 and the 1990s
- Garcia v. San Antonio Metro
1990s Narrowing of the Commerce Power and Revival of the 10th Amendment
What is Congress’s Authority to Regulate Commerce among States?
- United States v. Lopez
- United States v. Morrison
- Gonzales v. Raich
Does the 10th Amendment Limit Congress’s Power?
- New York v. United States
- Printz v. United States
- Reno v. Condon

WEEK EIGHT
Read 13th, 14th, 15th Amendments
The Tax and Spending Power
For What Purposes May Congress Tax and Spend?
- United States v. Butler
**WEEK NINE**

Constitutional Law: Principles and Policies pp. 184 – 236; Text 266 - 316

**Read the 11th Amendment**

Congress’s Power to Authorize Suits against State Governments

Background on the 11th Amendment and State Sovereign Immunity

Congress’s Power to Authorize Suits against States Governments

The Basic Rule: Congress May Authorize Suits against States Pursuant Only to § of the 14th Amendment

- Fitzpatrick v. Bitzer
- Seminole Tribe v. Florida

Cases Denying Congress Authority to Act Under § to Authorize Suits against State Governments

Congress’s Greater Authority to Legislate Concerning Types of Discrimination and Rights that Receive Heightened Scrutiny

- United States v. Georgia

Congress’s Power to Authorize Suits against State Governments in State Courts

- Alden v. Maine

**WEEK TEN**

Constitutional Law: Principles and Policies pp. 400 - 434

Chapter Four: Limits on State Regulatory and Taxing Power pp. 431 - 468

Preemption of State and Local Laws

Express Preemption

- Lorillard Tobacco v. Reilly

Implied Preemption

Conflicts Preemption

- Florida v. Paul

Preemption Because State Law Impedes the Achievement of a Federal Objective

- Pacific Gas v. State Energy Resources

Preemption Because Federal Law Occupies the Field

- Arizona v. United States

Dormant Commerce Clause

Why a Dormant Commerce Clause?

- Hood v. Du Mond

The Dormant Commerce Clause before 1938

- Cooley v. Board of Wardens

The Contemporary Test for the Dormant Commerce Clause

The Shift to a Balancing Approach

- South Carolina v. Barnwell
- Southern Pacific v. Arizona
WEEK ELEVEN


Determining Whether a Law is Discriminatory

Facially Discriminatory Laws
- City of Philadelphia v. New Jersey
- United Haulers Assoc. v. Oneida-Herkiman
- Hughes v. Oklahoma

Facially Neutral Laws
- Hunt v. Washington State
- Exxon v. Governor of Maryland
- West Lynn Creamery v. Healy
- Minnesota v. Clover Leaf Creamery

Analysis if Law is Deemed Discriminatory
- Dean v. City of Madison
- Maine v. Taylor

WEEK TWELVE


Analysis if Law is Deemed Non-Discriminatory
- Pike v. Bruce Church
- Bibb v. Navajo Freight Lines
- Consolidated Freightways v. Kassel

Exceptions to the Dormant Commerce Clause

Congressional Approval
- Western & Southern Life Insurance v. State Board of Equalization

The Market Participation Exception
- Reeves v. Stake
- South-Central Timber Development v. Alaska

The Privileges and Immunities Clause of Article IV, § 2

Analysis under the Privileges and Immunities Clause

What are the Privileges and Immunities of Citizenship?
- Toomer v. Witsell
- United Building v. Mayor and Council of the City of Camden
- Baldwin v. Montana

What Justifications are Sufficient to permit Discrimination
- Supreme Court of New Hampshire v. Piper

WEEK THIRTEEN

Read the Entire Bill of Rights


The application of the Bill of Rights to States

The Rejection of Application before the Civil War
- Barron v. Baltimore

A False Start in Applying the Bill of Rights to the States
- Slaughter –House Cases
• Saenz v. Roe
The Incorporation of the Bill of Rights into Due Process Clause of the 14th Amendment
  • Duncan v. Louisiana
  • McDonald v. City of Chicago
The Application of the Bill of Rights and the Constitution to Private Action
The Requirement for State Action
  • The Civil Rights Cases: United States v. Stanley
The Exceptions to the State Action Doctrine
The Public Functions Exception
  • Marsh v. Alabama
  • Jackson v. Metropolitan Edison
  • Terry v. Adams
  • Evans v. Newton

WEEK FOURTEEN
• Amalgamated Food v. Logan Valley Plaza
• Lloyd v. Tanner
• Hudgens v. NLRB
The Entanglement Exception: Judicial and Law Enforcement Actions
  • Shelley v. Kraemer
  • Lugar v. Edmonson Oil Co.
  • Edmonson v. Leesville Concrete
Government Regulation
  • Burton v. Wilmington Parking Authority
  • Moose Lodge v. Irvis
Government Subsidies
  • Norwood v. Harrisson
  • Rendell-Baker v. Kohn
  • Blum v. Yaretsky
Initiatives Encouraging Violations of Rights
  • Reitman v. Mulkey
Entwinement
  • Brentwood Academy v. Tennessee Secondary School
Texts:

**FAMU College of Law Statement on Plagiarism**
FAMU College of Law does not tolerate plagiarism. Students found guilty of plagiarism will be prosecuted to the full extent of the laws outlined in the FAMU College of Law Students’ Handbook. Please consult the Student Handbook for other conduct which is prohibited and punishable.

**FAMU College of Law Statement of ADA Procedures**
FAMU College of Law is committed to providing an educational environment that is accessible to all students. In accordance with this policy, students in need of accommodations due to a disability should contact the Philip Miller for verification and determination of reasonable accommodations as soon as possible after admission to the Law School, or at the beginning of each semester.

**SEE ALC STATEMENT:**