PO 471
CONSTITUTIONAL LAW I
Tuesday 6:40-9:30
SS 229

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Course Description: The goal of this class is to understand how the United States Constitution establishes the framework of our government and how the Supreme Court has interpreted that framework. We will begin the semester with an examination of the sources and limitations on the powers of the judiciary, the legislature, and the executive, including a discussion of the separation of powers. In the latter half of the semester, we will examine the relationship between the federal and state governments, the economic powers of the government, and individual economic liberties. The primary source material for our class will come from reading the opinions of the Supreme Court.

Our class meetings will be discussion-centered, and therefore attendance and participation at every class meeting are very important both for your understanding of the material and for a more interesting classroom experience for all of us (not to mention your grade). I cannot stress these points enough. You may expect to be called on to participate. To facilitate classroom discussion, you should have the assigned cases briefed before coming to class. The quantity of required reading—measured in pages—is not extensive. However, the readings can be dense and full of detail and nuance. It will take you a good deal of time to read just a few pages. Learning how to brief Supreme Court decisions is a skill. It can be a little difficult at first, but becomes second nature after awhile. We will spend a short amount of time during our first meeting going over how to brief cases. Ultimately, however, this is a skill best learned through trial and error and you will soon develop your own style.

Required Book

Note: Readings indicated with an ** can be found at the publisher’s website. You will need to register for the website (http://clca.cqpress.com/) using the card that came with your new text. If you purchased a used textbook, you can make copies from a classmate or come to the Political Science Department to pick them up. The Department is on the 6th floor of the Coor building.

Grades

1. Class attendance and participation in discussion (25%). You are expected to attend class prepared to discuss the readings with your fellow classmates. The class is fairly large, but not too large for us to engage in interesting discussions of the cases. In addition to daily participation, each
of you will be assigned a case and you will serve as discussion leader for that case. You will need to
send me your top three choices of cases by August 30. Because of the size of the class, you might
be partnered with another individual to serve as co-discussion leaders. If you would like to do this,
both of you should indicate so when you submit your choices. The fact that you are not the
discussion leader for the day does not absolve you from your responsibility to come to class
prepared to participate.

2. Three Exams (25% each). There will be three midterms. Each is equally weighted and they
are not cumulative. The exams will be a mix of short answer and essay.

Disabilities: If you have any disability or condition that might affect your ability to complete the
required assignments, please see me during the first week of class so that we can make alternative
arrangements.

OUTLINE

Topics and Reading Assignments: The cases listed below are in the Epstein and Walker text
(E&W) or the publishers webpage (see above). Even if it is not always specifically required, you
are encouraged to read the material in the text that introduces and summarizes each of the topics
and cases. It can be very useful to your understanding of the specific cases as well as in providing
textual information such as contemporaneous important events.

I. Introduction to the Supreme Court

Week 1 8/23 Introduction and Overview of Semester

A. THE U.S. CONSTITUTION
Epstein & Walker (hereafter E&W) pp. 3-24
Briefing cases, see Appendix 9 p. 672

B. EXPLANATIONS OF JUDICIAL DECISION MAKING
E&W pp. 24-51

Week 2 8/30

A. THE JUDICIARY & ARTICLE III
1. Judicial Review
E&W pp. 57-69
Marbury v. Madison (1803)
Martin v. Hunter’s Lessee (1816)
Eakin v. Raub (1825)
Dickerson v. United States (2000)

2. Limits on Judicial Power
Ex Parte McCordle (1869)
Nixon v. United States (1993)
Flast v. Cohen (1968)
B. THE LEGISLATURE AND ARTICLE I
E&W pp. 123-129
1. Congressional Authority of Internal Affairs
Powell v. McCormack (1969)
Gravel v. United States (1972)
2. Sources and Scope of Legislative Powers
E&W pp. 147-149, 150-151 (Box 3-3)
McCulloch v. Maryland (1819)

McGrain v. Daugherty (1927)
Watkins v. United States (1957)
Barenblatt v. United States (1959)
United States v. Curtiss-Wright Export Corp. (1936)
South Carolina v. Katzenbach (1966)

C. THE EXECUTIVE AND ARTICLE II
E&W pp. 187-190
1. Article II Basic Considerations
2. Faithful Execution of the Laws
In re Neagle (1890)
3. Domestic Powers of the President
E&W pp. 211-212
Morrison v. Olson (1988)
Myers v. United States (1926)
Humphrey’s Executor v. United States (1935)

Mississippi v. Johnson (1867)
Ex Parte Grossman (1925)
Murphy v. Ford (1975)
4. The President and Foreign Policy
United States v. Curtiss-Wright Export Corp. (1936)
Week 8 10/11  

**D. Separation of Powers**  
pp. 263-267  

1. **Domestic Powers**  

3. **War and National Emergencies**  
   *Ex parte Milligan* (1866)  
   *Ex parte Quirin* (1942)  
   *Korematsu v. United States* (1944)  
   *Youngstown Sheet & Tube Company v. Sawyer* (1952)  

Week 9 10/18  Midterm #2

Week 10 10/25  

**III. Nation-State Relations**  
E&W pp. 319-323  

A. **Federalism**  
E&W pp. 325-327  

1. **Nation-State Relations: The Doctrinal Cycle**  
   *McCulloch v. Maryland* (1819)  
   *Scott v. Sanford* (1857)  
   *Hammer v. Dagenhart* (1918)  
   *United States v. Darby Lumber* (1941)  
   *National League of Cities v. Usery* (1976)  
   *Garcia v. San Antonio Metropolitan Transit Authority* (1985)

Week 11 11/1  

*Printz v. United States* (1997)  

2. **New Judicial Federalism**  

3. **National Preemption of State Laws**  
   *State of Missouri v. Holland* (1920)  

Week 12 11/8  

**B. The Commerce Power**  
E&W pp. 406-408.  

1. **Commerce Clause in Different Periods**  
   *Gibbons v. Ogden* (1824)  
   *United States v. E.C. Knight Co.* (1895)  
   *Stafford v. Wallace* (1922)  
   *A. L. A. Schecter Poultry Corp. v. United States* (1935)  
   *Carter v. Carter Coal Company* (1936)  
   *National Labor Relations Board v. Jones & Laughlin Steel Corp.* (1937)  
   *Wickard v. Filburn* (1942)
Week 13  11/15

2. Limitations on the Commerce Power
   **Gonzalez v. Raich** (2005)

3. Regulating Commerce as a Federal Police Power
   *Champion v. Ames* (1903)
   *Heart of Atlanta Motel v. United States* (1964)

Week 14  11/22

IV. Economic Liberties
E&W pp. 539-541.

A. Economic Substantive Due Process
E&W pp. 576-579
   *The Slaughterhouse Cases* (1873)
   *Allgeyer v. Louisiana* (1897)
   *Lochner v. New York* (1905)
   *Muller v. Oregon* (1908)
   *Adkins v. Children’s Hospital* (1923)
   *Nebbia v. New York* (1934)
   *West Coast Hotel v. Parrish* (1937)

Week 15  11/29

B. The Takings Clause
E&W pp. 627-630.
   *Penn Central Transportation Company v. City of New York* (1978)
   *Berman v. Parker* (1954)
   *Hawaii Housing Authority v. Midkiff* (1984)

   **Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency**(2002)

Week 16  12-6

Midterm Exam #3