American Constitutional Development I
Government 320K at The University of Texas

Dr. Alan Sager

Daily Assignments

Cases and readings are denominated in 3 ways. First, those for which you should have a written brief are marked 'brief' next to case. Second, those that you should read and just know issue and holding are not marked. Third, those Dr. Sager will discuss are marked " Dr. Sager will discuss". In addition cases in the online supplement and not in the text book are so marked. From time to time you may be asked to turn in some questions about the cases to be briefed for a particular day. Assigned cases that are in the book are not otherwise noted on the schedule. Assigned cases on the publisher's website for the Epstein and Walker are noted as being in the supplement. A few

cases or topics can be reached by clicking the links in the schedule. Lastly, Dr. Sager will discuss some cases as noted. Asterisked cases are in the supplement. Other cases he will cover are neither in the main text nor on the website containing supplemental cases. Previous student briefs for some of the later cases assigned are so noted on the website and you are welcome to use these. There are also assigned videos that appear on the videopage linked below.

Check the website regularly for changes.

Click here for class videopage

Class #1
Wednesday, January 19th

Introduction

Read Epstein and Walker 1-63 (This is introductory material and some is similar to Van Geel. We will cover some of it directly in class, especially the charts and graphs which will be on the exams.)

Begin reading Van Geel and complete it as rapidly as possible.

A. Pre- Marshall and Marshall Court 1787-1835

Property Rights and Transcendent Rights

1. Calder v. Bull(brief) (click here for case)
Note: This pre-Marshall case is written differently than later cases. Eachof the 3 Justices who heard the case wrote an opinion. For some notes on reading this case click here.

For "noncase" quotes cited in Class 1 (click here)

Class #2
Monday, January 24th

The Taxing Power

2. Hylton v. U.S.(brief)(supplement)

Judicial Review

3. Marbury v. Madison (brief)(click here for Section 13 of the Judiciary Act which Marshall held unconstitutional)
View Video: Marbury v. Madison. For Jefferson's responses to various people about Marbury and Joel Grossman's excellent analysis on the 200th

Anniversary of Marbury, see highlight section of home page. Note Grossman's question at the end written in 2004 and which will be answered at the end of this course.

4. Eakin v. Raub (only dissenting opinion is given)

Read Federalist No. 78 in Epstein and Walker Appendix.

Videos 4, 5, 6

Class #3
Wednesday, January 26th

Other Early Challenges To Judicial Supremacy

5. Impeachment Trial of Justice Samuel Chase (Dr. Sager to discuss in class)

6. U.S. v. Aaron Burr(Dr. Sager to discuss in class)
Description of Burr's Alleged Treasonous Activities
Marshall Opinion
Video video: U.S. v. Aaron Burr (Youtube video in 2 parts on video page)

Congressional Powers and the States

7. McCulloch v. Maryland(brief)
View video: McCulloch v. Maryland

Videos 18, 19, 20, 21, 33(ESPN covers Burr/Hamilton Duel)

Class #4
Monday, January 31st

The Contracts Clause and Property Rights

8. Fletcher v. Peck(Brief)

Federal Judicial Power and the States

9. Chishom v. Georgia(Brief)(supplement)

10. Martin v. Hunter's Lessee(Brief)

Class #5
Wednesday, February 2nd

The Contracts Clause II

11. Dartmouth College v. Woodward(Brief)

Federal Judicial Power and the States

12. Cohens v. Virginia(supplement)*

The Commerce Power and National Economy

13. Gibbons v. Ogden(Brief)
View video: Gibbons v. Ogden

Class #6
Monday, February 7th

Federal Power and the State Taxation

14. Brown v. Maryland (supplement)*

The Bill of Rights and the States

15. Barron v. Baltimore(Brief)(supplement)*

B. Taney Court 1836-1864

The Commerce Clause and the

National Economy

16. Mayor of City of New York v. Miln(Brief)(supplement)

The Contracts Clause and the National Economy

17. Charles River Bridge v. Warren Bridge(Brief)

Class #7
Wednesday February 9th

Congressional Preemption --Federal Judicial Power and the States

18. Prigg v. Pennsylvania(see sample brief)*

Federal Jurisdiction: Political Questions

19. Luther v. Borden(supplement)

The Commerce Clause and the National Economy

20. Cooley v. Board of

Wardens(Brief)

Federal Jurisdiction, Congressional Power and Slavery

21. Dred Scott v. Sanford(Brief)

Videos 7, 8, 23, 24 25

Class #8
Monday February 14th

Executive Power: The War Power

22. The Prize Cases(Brief)

C. Chase Court 1864-1873

Executive Power During War

23. Ex Parte Milligan(Brief)

Federal Jurisdiction: Congressional Limitations

24. Ex Parte McCardle(Brief)

Federal Jurisdiction and State's Rights

25. Texas v. White(Not in book or supplement. Dr. Sager will discuss.)

Class #9
Wednesday February 16th

Executive Power

26. Mississippi v. Johnson(Brief)

Congressional Taxing Powers

27. Collector v. Day(supplement)

28. Springer v. U.S. (supplement)

The Bill of Rights and the States

29. The Slaughterhouse Cases(Brief)

Class #10
Monday, February 21st

Exam #1

Class #11
Wednesday, February 23rd

D. The Waite Court 1874-1888

State Police Powers, Due Process and Property Rights

30. Munn v. Illinois(Brief)

The Contracts Clause

31. Stone v. Mississippi

The Commerce Power, State Action and Individual Rights

32. The Civil Rights Cases(Dr. Sager to discuss in class. Not in book or supplement)

State Police Power, Property Rights and Due Process

33. Santa Clara County v. Southern Pacific Railroad(Dr. Sager to discuss in class. Not in book or supplement)

D. The Fuller Court 1888-1910

State Police Powers, Property Rights and Due Process

34. Chicago and Milwaukee RR. v. Minnesota(Brief)(supplement)

Class 12
Monday, February 28th

The Commerce Power, Taxing Power and the National Economy

35. U.S. v. E.C. Knight(Brief)

36. Champion v. Ames(Brief)

37. McCray v. United States(Brief)

The Taxing Power

38. Pollock v. Home Savings and Loan (Dr. Sager to discuss)

Federal Police Powers, Due Process and Property Rights

39. Adair v. U.S.(Brief)

Class 13

Wednesday, March 2nd

State Police Powers, Due Process and Property Rights

40. Lochner v. New York(Brief)(click here for voting analysis) (Votes at bottom of chart are totalled as uphold vs. strikedown)

41. Muller v. Oregon(Brief)

F.The White Court 1910-21

The Commerce Clause, Due Process and Property Rights

42. Hammer v. Dagenhart(Brief)

The Commerce Clause

43. Shreveport Rate Cases Houston East & West Texas Railway Co. v. U.S.(Brief) (supplement)

The Commerce Clause and the Treaty Clause

44. Missouri v. Holland

Class 14

Monday, March 7th

G.The Taft Court 1921-30

Taxing Power

45. Bailey v. Drexel Furniture(Brief)

Federal Judicial Power: Standing

46. Frothingham v. Melon(Brief)(supplement)*

State Police Powers, Due Process and Property Rights

47. Adkins v. Children's Hospital(Brief)

48. Pierce v. Society of Sisters and 48a. Meyer v. Nebraska Click here for Pierce, Click here for Meyer(Dr. Sager to discuss)

Congressional Powers: Investigations

49. McGrain v. Daugherty(Brief)

Class 15
Wednesday, March 9th

Executive Power:Removal

50. Myers v. U.s.(Brief)

The Takings Clause

51. Euclid v. Ambler Realty(Dr. Sager to discuss. Not in book or supplement)

52. Pennsyvania Coal Company v. Mahon(Brief)(supplement)

H. The Hughes Court 1930-1941

The Contracts Clause

53. Home Building and Loan Assoc. v. Blaisdell(Brief)

Executive Powers: Removal

54. Humphrey's Executor v. U.S.(Brief)

Class 16
Monday, March 21st

State Police Powers, Due Process and Property Rights

55. Nebbia v. New York(Brief)

The Commerce Power, The National Economy and

Executive Power: Delegation

56. Schechter Poultry v. U.S(Brief)

The Taxing Power

57. U.S. v. Butler(Brief)

State Police Powers, Due Process and Property Rights

58. West Coast Hotel v. Parrish(Brief)

Class 17
Wednesday, March 23rd

The Commerce Power and the National Economy

59. NLRB v. Jones and Laughlin Steel(Brief)

The Taxing and Spending Power

60. Steward Sewing Machine v. Davis(Brief)

Videos 1, 2, 2a and 2b (these will be on 2nd exam)

Executive Powers: Treaty and War Power

61. U.S. v. Curtis Wright(brief)

Judicial Review, Due Process, Congressional Power and the National Economy

62. U.S. v. Carolene Products(Dr. Sager to discuss. Not in book or supplement)

Class 18
Monday, March 28th

I. The Stone Court 1941-1946

The Commerce Power and the National Economy

63. U.S. v. Darby Lumber(Brief)

64. Wickard v. Filburn(Brief)

Executive Powers: The War Power

65. Ex Parte Quirin(Brief)

66. Korematsu v. U.S.(Brief)

The Commerce Power and the States: The Dormant Commerce Clause

67. Southern Pacific v. Arizona(Brief)

Class 19

Wednesday, March 30th

Exam #2 In class

Class 20
Monday, April 4th

J. The Vinson Court 1946-1953

Takings

68. U.S. v. Causby(Brief)

Executive Powers The War Power

69. Youngstown Sheet and Tube v. Sawyer(Brief)

Video 13

K. The Warren Court 1953-1969

Takings: Public Use

70. Berman v. Parker(Brief)

Congressional Preemption

71. Pennsylvania v. Nelson(Brief)

Congressional Powers: Investigation

72. Watkins v. U.S.(Dr. Sager to discuss

73. Barenblatt v. U.S. (Dr. Sager to discuss)

Class 21
Wednesday, April 6th

Federal Judicial Power

74. Cooper v. Aaron(Dr. Sager to discuss. Not in book or supplement)

For some parts of a relatively short opinion click here)

Federal Jurisdication: Political Questions

75. Baker v. Carr(Brief)

The Commerce Power and the National Economy

76. Heart of Atlanta Motel v. U.S.Brief)

Modern Substantive Due Process

77. Williamson v. Lee Optical(Brief)

Federal Judicial Power: Standing

78. Flast v. Cohen(Brief)

Class 23
Monday, April 11th

Congressional Power: Taxation

79. U.S. v. Kahringer(Brief)(Supplement)

Congressional Power: Privileges

80. Powell v. McCormack(Brief)

L. The Burger Court 1969-1986

Executive Powers: The War Power

81. New York Times v. U.S.(Dr.

Sager to discuss. Not in book or supplement)

82. U.S. v. U.S. District Court(Dr. Sager to discuss. Not in book or supplement)

Takings

83. Hawaii Housing Authority v. Midkiff(Brief)

The Commerce Power

84. Hunt v. Washington State Apple Advertising(Brief)

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Class 23
Wednesday, April 13th

Congressional Powers: Privileges

85. Gravel v. U.S.(Brief)

Judicial Review and Executive Powers: Executive Privilege

86. U.S. v. Nixon(Brief)

The Commerce Power and the

National Economy

87. National League of Cities v. Usery(Brief)

88. Garcia v. San Antonio Metropolitan Transit Authority(Brief)

The Contracts Clause

90. Allied Structural Steel v. Spannus(Brief)

Class 25
Monday, April 18th

The Takings Clause

91. Penn Central Transportation Co. v. City of N.Y.(Brief)

92. Keystone Bituminous Coal v. Benedectin(Brief)(supplement)

Federal Preemption

93. Pacfic Gas and Electric v. State Energy and Conservation Comission(Brief)

Executive Powers: War Power and Treaties

94. Dames and Moore v. Regan(Brief)

The Supreme Court and State Constitutions

95. Michigan v. Long(Dr. Sager to cover in class)

Class 25
Wednesday, April 20th

Congressional Powers: Delegation and Legislative Veto

95. I.N.S. v. Chadha(Brief)

Congressional Powers: Delegation

96. Bowsher v. Synar(Dr. Sager to discuss)*

M. Rehnquist Court 1986-2005

Congressional Powers: Delegation

97. Morrison v. Olson(Brief)

98. Mistretta v. U.S(student brief to be posted) (click here brief #1)(click here brief #2)

The Taxing and Spending Power

99. South Dakota v. Dole(Brief)

State Taxing Powers

100. Oregon Waste Systems v. Department of Environmental Quality of State of Oregon(student brief to be posted) (click here brief #1)(click here brief #2)

Class 26
Monday, April 25th

Takings: Regulation and Public Use

101. Lucas v. South Carolina Coastal Authority(Brief)

102. Kelo v. City of New London(Brief)

The Commerce Clause, 10th Amendment and the National Economy

103. U.S. v. Lopez(Brief)

104. Printz v. U.S.(Brief)

105. U.S. v. Morrison(Brief)

106. Granhom v. Heald (click here brief #1) (click here brief #2)

107. Gonzales v. Reich (click here brief #1)(click here brief #2)

Paper #2 Due

Class 27 Wednesday, April 27th

Congressional Power

108. Clinton v. New York(student brief to be posted) (click here brief #1) (click here brief #2)

Executive Powers: Immunity

109. Clinton v. Jones(student brief to be posted) (click here brief #1)(click here brief #2)

Federal Judicial Power and the States

110. U.S. Term Limits v.

Thorton(basically covered with Powell v. McCormick)

111. Central Virginia Community College v. Katz(Brief)

112. Alden v. Maine(Brief)

Class 28

Monday, May 2nd

Executive Powers: War Powers

113. Hamdi v. Rumsfeld(click here brf #1)(click here brf #2)

M. Roberts Court 2005-??

Executive Powers: War Powers

114. Hamdan v. Rumsfeld(Brief)

115. Boudmienne v. Bush(Brief)

Judicial Power: Standing

116. Heine v. Freedom of Religion (click here brf #1)(click here brf #2)

Class 29

Wednesday, May 4th

3rd Hour Exam

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