

CONSTITUTIONAL STRUCTURE AND RIGHTS
PSC 223
Mr. Jackson
Fall 2016

COURSE SYLLABUS

Assigned reading has been

WKUHH EUDQFKHV RI WKH IHGHUDO JRYHUQPHQW '9HUWLF
between the federal government and states DQG ',QGLYLGXDOμ ULJKWV RI
individuals vis-à-vis the federal and state governments). In addition to the
Constitution itself, the principal vehicle for our examination will be more than
200 years of Supreme Court opinions, starting with **Marbury v. Madison** in 1803.
As a result, for most of the course, the issue is less an underlying normative one
RI ZKHWKHU WKH &RQVWLWXWLRQ KDV VHW XS WKH 'ULJKW
positive one of filling out the implications of the structure that the Constitution
has, indeed, set up. But in that examination, it is essential to develop a sense of
how well the Supreme Court is doing in explaining its outcomes in terms of the
Constitution.

In the cases we will read, the Court is invariably construing the
Constitution of the United States, either specific provisions or authority and
limitations arising out of what the Court perceives to be the underlying structure
embodied in the Constitution. In **every** case, you should make the effort to
determine which constitutional provision is (or provisions are) involved and read
the provision(s) carefully for yourself³ the syllabus that follows does not 'DVVLJQμ
specific provisions of the Constitution, but those provisions are the foundation of
everything we will do in the course.

Week 1 (August 31): Course Introduction & The Nature of Judicial Review

Introduction

2ULQ .HUU '+RZ WR 5HDG D /HJDO 2SLQLRQμ
LAURENCE TRIBE, AMERICAN CONSTITUTIONAL LAW (3d ed. 2000) pp. 18²
29 & 302² 311

Boumediene v. Bush
Note on **Al-Maqaleh v. Gates**

Week 7 (October 19)

Mid-Term

Orin Kerr on How to Answer an Exam

Weeks 8 - 9 (October 24, 26 & 31; November 2): Federal & State

9 H U W L F D O μ 6 W U X F W X U H - X G L F L D O 5 H Y L H Z

Martin v. Hunter's Lessee

9 H U W L F D O μ 6 W U X F W X U H St. Francis: The Nature of the Relationship of the States to the Nation

McCulloch v. Maryland
U.S. Term Limits, Inc. v. Thornton

9 H U W L F D O μ 6 W U X F W X U H U.S. Term Limits on the Reach of the Federal Government: Enumerated Powers

National Federation of Independent Business v. Sebelius

> 1 R W H - R X M D N U H D G L Q J V L Q W K H D U H D V W K D W I R O O

Background

Roberts, pp. 1² W R ' , , , μ I U R P ' μ
Scalia, pp. 1- W R ' , μ I U R P ' μ

Taxing Power

United States v. Butler

Bailey v. Drexel Furniture Co.

Note on **Helvering v. Davis**

Roberts, pp. 31² W R ' , 9 μ
6 F D O L D S S ² I U R P R ' , , , 9 μ

Commerce Clause

Wickard v. Filburn

United States v. Lopez

Note on **United States v. Morrison** and **Gonzales v.**

Raich

Roberts, pp. 15 I U R P ' , , , μ W R ' μ
Ginsburg, pp. 1² W R ' , , , μ

6 F D O L D S S ² I U R P R ' , μ , μ

Thomas, pp. 1 - 2

Necessary and Proper Clause

