

David Law, *A Theory of Judicial Power and Judicial Review*,
<http://ssrn.com=1112613> (2008), pp. 3 – 13 & 76 – 85

Allocation of Powers: Legislative, Executive, & Judicial

The Foundations of Judicial Review

Marbury v. Madison

Sections 13 & 14 of the Judiciary Act of 1789

"Vertical" Structure: Constitutional Grants (and Limits) on the Reach of the Federal Government: Enumerated Powers

National Federation of Independent Business v. Sebelius

[Note "break-out" readings in the areas that follow]

Background

Roberts, pp. 1 – 15 (to "III"); 58 (from "****") – 59

Scalia, pp. 1-4 (to "I"); 64 (from "****") – 65

Taxing Power

United States v. Butler

Bailey v. Drexel Furniture Co.

Note on *Helvering v. Davis*

Roberts, pp. 31 – 45 (to "IV")

Scalia, pp. 16 (from "II") – 28 (to "IV")

Commerce Clause

Wickard v. Filburn

United States v. Lopez

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

Roberts, pp. 15 (from "III") – 27 (to "2")

Ginsburg, pp. 1 – 31 (to "III")

Scalia, pp. 4 (from "I") – 16 (to "II")

Thomas, pp. 1 - 2

Necessary and Proper Clause

United States v. Comstock

Roberts, pp. 27 (from "2") – 30

Ginsburg, pp. 31 (from "III") – 37

Scalia pp. 5 ("A") – 10 ("B") [again]

Spending Power & State Autonomy as a Limit on Federal Powers

South Dakota v. Dole

Murphy v. NCAA

Roberts, pp. 45 (from "IV") – 58 (to "****")

Ginsburg, pp. 38 – 61

Scalia, pp. 28 (from "IV") - 49

Mid-Term

Orin Kerr on How to Answer an Exam

"Vertical" Structure: Original

Griswold v. Connecticut

Roe v. Wade

Note on the Aftermath of *Roe v. Wade*

Washington v. Glucksberg

Obergefell v. Hodges

Note on *Pavan v. Smith*

Individual Rights: Equal Protection

The 14th Amendment: Equal Protection and Race

Brown v. Board of Education

Note on *Bolling v. Sharpe*

Loving v. Virginia

Washington v. Davis

The 14th Amendment: Equal Protection and Race-Based Affirmative
Action

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