8/29/15Middlebury College

Political Science 305 Fall 2019

**American Constitutional Law: The Federal System** Mr. Dry

Class Meetings: MW: 2:50-4:05 PM in Munroe 311; F 1:30-2:20 in Munroe 317

Office Hours: MTWHHH 4:30 to 5:30 PM and by appointment, in person or on zoom )

Required for Purchase

Noah Feldman and Kathleen Sullivan eds. Constitutional Law. Foundation Press

20th ed. 2019 cited as FS or

Kathleen Sullivan and Noah Feldman, eds. Constitutional Law. Foundation Press

19th ed. 2016. cited as SF

Edward. H. Levi, An Introduction to Legal Reasoning (Chicago 1949, 2013)

Handed out in Class

Noah Feldman, Update Memo to Constitutional Law 20th ed.

Additional Materials Booklet

Pocket Constitution of the United States

Course Requirements

There will be three short papers and a Mock Court exercise, or its equivalent, and a three-hour final examination. Students are expected to come to every class with the appropriate reading materials, prepared to discuss the assigned reading.

Note on Assigned Reading and Reference Material:

All cases will be listed in the syllabus by volume and page in the U.S. Reports. The assignment pages refer to the casebook (SG and SF) or the Additional Materials. The Library has a complete set of Supreme Court cases in the Lawyer's Edition, which includes the official citations as well as the Lawyer's Edition citations, and the U.S. Reports from 1921 (Vol. 259) to the present. The first 90 volumes of the official U.S. Reports are cited by the name of the court reporter, as given below.

1789-1800 Dallas 4 volumes

1801-1815 Cranch 9 volumes

1816-1827 Wheaton 12 volumes

1828-1842 Peters 16 volumes

1843-1860 Howard 24 volumes

1861-1862 Black 2 volumes

1863-1874 Wallace 23 volumes

Class Meetings and Assignments:

The Additional Materials contain longer versions of cases than our casebook contains and some other readings. These readings are identified in the syllabus with an asterisk (\*). Occasionally, material will be cited in parenthesis; this is suggested, not required. Page citations to the Casebook are preceded by FS (20th ed.) or SF (19th ed.). Material not in the 19th edition or the Update to the 20th will be distributed to those who need it.

**Class Schedule**

**Week #1**

Introduction: The Constitution, Constitutional Law, and Legal Reasoning

**Monday September 13**

\* The Articles of Confederation and The Constitution

Federalist #78

Levi, (preface), I-II (pp. 8-27 are complex but worth it)

I. The Supreme Court in the American System of Government: Judicial Review; Limitations on Constitutional Litigation; Review of State Court Judgments; Congressional Curbs

**Wednesday, September 15**

A. Judicial Review: Marbury and its implications

\*Marbury v. Madison 1 Cranch 137 (1803) FS/SF 2-9

(for the first part of Marshall’s opinion, see AM)

\*Judiciary Act of 1789

(FS/SF 1, 9-16)

Cooper v Aaron 358 U.S. 1 (1958) FS/SF 21-22

(FS/SF 22-30)

**Friday, September 17**

B. Limitations on Constitutional Litigation: Advisory Opinions, Standing, Mootness and Ripeness, and Political Questions

(FS/SF 34-38)

Lujan v Defenders of Wildlife 504 U.S. 555 (1992) FS/SF 38-43

Massachusetts v Environmental Protection Agency 127 S Ct. 1438 (2007)

FS 43-47/SF 44-47

(FS/SF 47-56) (omitting FS #9)

Baker v Carr 368 U.S. 186 (1962) FS 60-66/SF 60-67

Powell v McCormick 395 U.S. 486 (1964) FS 66-67/SF 67

Goldwater v Carter 444 U.S. 996 (1979) FS 67/SF 68

Nixon v United States 506 U.S. 224 (1993) FS 67-69/SF 68-70

# Bush v Gore 531 U.S 98 (2000) FS 69-73/SF 70-74

Zivotofsky v Clinton 132 S. Ct. 1421 (2012) FS 73-74/SF 75-76

# Week #2

# Monday, September 20

# B. Complete discussion of cases in this section

# C. Review of State Court Judgments

Martin v. Hunter's Lessee 1 Wheat 304 (1816) FS 16-18/SF 16-19

Cohens v. Virginia 6 Wheat 264 (1821) FS 19/SF 19-20

D. Congressional Power to Curtail Jurisdiction of the Federal Courts and Judicial

Discretion over Appellate Jurisdiction

Ex parte McCardle 7 Wall 506 (1869) FS31-33/ SF 31-33

II. The Supreme Court Under Marshall and Taney

**Wednesday, September 22**

A. Rights Under the Contract Clause

Calder v Bull 3 Dallas 386 (1798) FS 485-486/SF 483-485

\*Fletcher v. Peck 6 Cranch 87 (1810)

\*Dartmouth College v. Woodward 4 Wheat 518 (1819)

(Marshall’s opinion of the court only)

\*Charles River Bridge Company v. Warren Bridge Company

11 Peters 420 (1837)

(Beveridge, Life of Marshall, Vol. III, Ch. 10; Vol. IV, Ch. 5)

# Friday, September 24

B. Governmental Powers

(FS 75-79/SF 77-79)

McCulloch v. Maryland 4 Wheat 116 (1819) FS 77-89/SF 79-89

Jefferson's opinion on the national bank (online or ask me for it)

\*Federal Convention Discussion of the power of incorporation, in

Madison's Notes (II Farrand 615-6 or Koch ed. pp. 638-639)

FS 89-95/SF 89-95

U.S. Term Limits v Thornton 571 U.S. 779 (1995) FS 101-105/SF 95-100

United States v Comstock 560 U.S. 126 (2010) FS 92-94/SF 104-106

(FS 105-107 94-97/SF 100-104, 106-109)

**Week #3**

**Monday, September 27**

\*Gibbons v. Odgen 9 Wheat 1 (1824)

Our casebook abridges and divides this case to illustrate two different doctrinal developments: the federal government’s

commerce power (FS 114ff/SF 116ff.) and implied limits on state power (FS 225/ SF 231ff.) While understanding that difference is important, I think we should start by reading Marshall’s entire opinion. (Willson v. Blackbird Creek Marsh Company 2 Peters 245 (1829) I will explain why this case, which our editors dropped, is worth noting.

\*Cooley v. Board of Wardens 12 How 299 (1851)

(Beveridge, Marshall, Vol. IV, ch. 6, 8)

**Wednesday, September 29**

C. Slavery and the Constitution

(Continuation of previous cases is likely)

\*Dred Scott v. Sanford 19 Howard 393 (1857)

For a shorter version, see FS 445ff/SF 444ff.

(Herbert J. Storing, "Slavery and the Moral Foundations of the

American Republic" in Bessette, ed., Towards a More Perect Union:

Writings of Herbert J. Storing

III. The Original Bill of Rights and the post-Civil War Amendments

Barron v Baltimore 7 Pet 243 (1833) FS 444-445/SF 442-443

\*Slaughter House Cases 16 Wall 36 (1873)

FS 451-455/SF 449-453 (for the short version)

FS 455-458/SF 453-456 commentary on this important case

**Friday, October 1**

Saenz v Roe 526 U.S. 489 (1999) FS 459-462/SF 456-459

FS 462-468 /SF 460-466, for a glimpse at “Incorporation.”)

\*Civil Rights Cases 109 U.S. 3 (1883) (A tolerable abridgement appears

FS 856-859/SF 854-858, but I think this important case deserves more.)

**Week #4**

**Monday, October 4**

\*Plessy v. Ferguson 163 U.S. 537 (1896)

**(**FS 659-660/SF 661-662)

Brown v Board of Education 347 U.S. 483 (1954) and

Bolling v Sharpe 347 U.S. 497 (1954) FS 661-664/SF 663-666

\*Bickel, Alexander, "The Original Understanding and the Segregation Decision,"

FS 664-668**/**SF 666-670, including Brown II (Implementation)

IV. Liberalism, Conservatism, and the Constitution: or, Regulation of the National Economy and the "Preferred Position" Controversy

**Wednesday, October 6**

A. Governmental Powers and Substantive Rights I: 1877-1936

1. The Rise of Substantive Due Process (and “Incorporation”)

(FS 487-489/SF 485-487 on origins of substantive due process)

Lochner v New York 198 U.S. 45 (1905) FS 489-494/SF 487-493

(FS 495-499/SF 493-497)

Penn. Coal Co. v. Mahon 260 U.S. 393 (1922) FS 622-624/SF 621-624

Keystone Bituminous Coal Ass’n v Debenedictis 480 U.S. 470 (1987)

FS 626-627/SF 625-626

Nebbia v. New York, 291 U.S. 502 (1934) FS 500-501/SF 498-499

Home Building and Loan v. Blaisdell 290 U.S. 398 (1934)

FS 638-640/SF 637-639

**Friday, October 8**

2. Dual Federalism

United States v. E.C. Knight 156 U.S. 1 (1895) FS 116-117/SF 118-119

The Shreveport Rate Case 234 U.S. 342 (1914) FS 117-118/SF 119-120

Champion v. Ames 188 U.S. 321 (1903) FS 118-119/SF 121-122

Hammer v. Dagenhart 247 U.S. 251 (1918) FS 120-122/SF 123-124

Bailey v Drexel Furniture Company 259 U.S. 20 (1922)

FS 191-193/SF 195-197

Schechter Poultry Corp. v. United States 295 U.S. 495 (1935)

FS 123-124/SF 125-126

United States v. Butler 297 U.S. 1 (1936) FS 201-204/SF 205-208

Carter v. Carter Coal Co. 298 U.S. 238 (1936) FS 124-126/SF 126-128

FS 126-128/SF 128-131

(Levi, III, pp. 27-57)

**Week #5**

B. Governmental Powers and Substantive Rights II: The Constitutional Revolution of

1937

**Monday October 11**

\*National Labor Relations Board v. Jones & Laughlin 301 U.S. 1 (1937) (for the shorter version, see FS FS 129-131/SF 131-133)

Stewart Machine Co. v. Davis 301 U.S. 548 (1937) and

Helvering v Davis 301 U.S. 619 (1937) FS 204-207/SF 208-211

United States v. Darby 312 U.S. 100 (1941) FS 131-133/SF 133-136

Wickard v. Filburn 317 U.S. 111 (1942) FS 134-135/SF 136-137

South Dakota v Dole 483 U.S. 203 (1987) FS 207-210/SF 212-215

\*West Coast Hotel Co. v. Parrish 300 U.S. 379 (1937)

FS 501-503/SF 499-501 (for the shorter version)

United States v. Carolene Products 304 U.S. 144 (1938)

FS 503-504/SF 501-502

Williamson v. Lee Optical Co. 348 U.S. 483 (1955)

FS 504-505/SF 503-504

\*Justice Roberts' Memorandum on overruling Adkins, from

Max Freedman, ed., Roosevelt and Frankfurter)

(Levi, IV-V, pp. 57-104)

**Wednesday, October 13**

V. Modern Due Process

A. Substantive Due Process Revived: Economic Rights

Penn Central Transportation v New York City 438 U.S. 104 (1978)

FS 628-629/SF 627-628

Lucas v South Carolina Coastal Council 505 U.S. 1003 (1992)

FS 630-632/SF 629-631

(Cedar Point Nursery v Hassid 141 S. Ct. 2063 (2021) Supp. 20-21) Nollan v California Coastal Commission 483 U. S. 825 (1987)

FS 634/SF 633-634

Dolan v City of Tigard 512 U.S. 374 (1994) FS 634-636/ SF 634-635

Kelo v City of New London 545 U.S. 469 (2005)

FS 614-619/SF 613-618

(FS 619-622/SF 618-621)

B. Substantive Due Process Revived: Privacy and Autonomy

(FS 508-511, (including Buck v Bell)/SF 508-510)

Griswold v. Connecticut 381 U.S. 479 (1965) FS 511-518/SF 510-516

Eisenstadt v Baird 405 U.S. 538 (1972) and

Carey v Population Services Intern. 431 U.S. 678 (1977)

FS 519-520/SF 518-519

**Friday, October 15**

Roe v. Wade 410 U.S. 113 (1973) FS 521-524//SF 520-523

(FS 524-531/SF 524-531)

Planned Parenthood of Southeastern Pennsylvania v Casey

505 U.S. 833 (1992) FS 531-538/SF 532-538

(FS 538-51/ SF 538-541)

Stenberg v Carhart 530 U.S. 914 (2000) FS 540-541/SF 540-541

Gonzales v Carhart 127 S. Ct. 1610 (2007) FS 541-544/SF 541-544

Whole Women’s Health v Hellerstedt 136 S.Ct. 2292 FS 544-546

June Medical Services v Russo 140 S. Ct. 20103 (2020) Supp. 18-20

**Week #6**

**Monday, October 18 no class mid-semester break)**

**Wednesday, October 20**

(Loving v Virginia FS 547/SF 544)

Michael H. v Gerald D 491 US110 (1989) FS 552-553/SF 549-551

Zablocki v Redhail 434 U.S. 374 (1978) FS 547-548/SF 549-551

Bowers v Hardwick 478 U.S. 186 (1986) FS 554-556/SF 551-553

Lawrence v Texas 539 U.S. 538 (2003) SG 472-479; SF 561-568)

Cruzan v Director, Missouri Department of Health 497 U.S. 261 (1990)

FS 592-595/SF 590-593

Washington v Glucksberg 521 U.S. 702 (1997) FS 595-602/SF 593-600

Vacco v Quill 521 U.S. 793 (1997) FS 602-603/SF 600-601

**Friday, October 22**

VI. Commerce and Federalism: National Regulation of the Economy and the

New Interest in "States Rights"

A. Commerce and Racial Discrimination

Heart of Atlanta Hotel v. United States 379 U.S. 241 (1964)

Katzenbach v. McClung 379 U.S. 294 (1964) FS 136-139/SF 139-141

B. Federalism Revived: The Tenth Amendment, the Commerce Clause, and

the Eleventh Amendment

National League of Cities v Usery 426 U.S. 833 (1976) and

Garcia v San Antonio Metropolitan Transit Authority 469 U.S. 528

(1985) FS 169-172/SF 173-176

New York v United States 505 U.S. 144 (1992) FS 173-177/SF 177-181

United States v Lopez 517 U.S. 549 (1995) FS140-147/ SF 142-149

**Week # 7**

**Monday, October 25**

Printz v United States 521 U.S. 898 (1997) FS 178-181/SF 182-185

United States v Morrison 529 U.S. 598 (2000) FS 148-151/SF 151-154

Gonzales v Raich 545 U.S. 1 (2005) FS 152-157/SF 155-160

Seminole Tribe of Florida v Florida 517 U.S. 44 (1996)

FS 183-185/SF 187-189

Alden v Maine 527 U.S. 706 (1999) FS 185-187/SF 189-190

NFIB v Sebelius (Affordable Care Act) 132 S. Ct. 2566 (2012)

FS 160-167, 196-200, 212-219/SF 163-171, 201-203, 217-225

King v Burwell 135 S. Ct. 2480 (2015) FS 53/ SF 53-54 (Obamacare II)

**Wednesday, October 27**

VII. The Separation of Powers

A. Executive Power and the Rule of Law

(Federalist 70-77; FS 340-345 not in SF)

(FS 345-349/SF 333—337)

\*Ex Parte Milligan 4 Wall 2 (1867) FS 350-352/SF 339-341

\*Korematsu v United States 323 U.S. 214 (1944) FS 678-680/SF 678-681

\*Youngstown Sheet & Tube Co. v Sawyer 343 U.S. 579 (1952)

SF 304-312

Dames and Moore v Regan 453 US 654 (1981) SF 323-327

\*War Powers Act of 1973

Zivotofsky v Kerry 135 S. Ct. 2076 (2015) SF 314- 321

Trump v International Refugee Assistance Project 137 S. Ct.2080 (2017)

Trump v Hawaii 138 S. Ct 2392 (2018) FS 324-333

**Friday, October 29**

Ex parte Quirin317 U.S. 1 (1942) FS 353-355/SF 341-344

(Johnson v Eisentrager 339 U.S. 763 (1950) FS 356-357/SF 345-347)

Rasul v Bush 124 S. Ct. 2686 (2004) FS 357-359/SF 347-348

Hamdi v Rumsfeld 542 U.S. 507 (2004) FS 60-369/SF 349-358

Rumsfeld v Padilla 542 U.S. 426 (2004) FS 370-371/SF 360-361

Hamdan v Rumsfeld 548 U.S. 557 (2006) FS 372-378/SF 361-367

Boumediene v Bush 553 U.S. 723 (2008) FS 379-387/SF 369-377

(FS 388-390/SF 377-380)

B. Separation of Powers and the Administration of Government

**Week #8**

**Monday, November 1**

1. Legislative Delegation

Gundy v United States 588 U.S. \_\_ (2019) Update Memo

2. The Legislative Veto

Immigration and Naturalization Service v Chadha

462 U.S. 919 (1983) FS 393-400/SF 383-389

3. The Line Item Veto

Clinton v New York 524 US 417 (1998) FS 401-404/SF 391-394

4. The Balanced Budget and Emergency Deficit Control Act of 1985

Bowsher v Synar 478 U.S. 714 (1986) FS 409412/SF 398-401

5. Appointment of Administrative Law Judges and Recess Appointments

Lucia v SEC 138 S. Ct. 2044 (2018) FS 405-406

NLRB v Noel Canning 134 S. Ct. 2550 (2015) SF 395-397

**Wednesday, November 3**

6. Ethics in Government Act: Independent Counsel Provisions

Morrison v Olson 487 U.S. 654 (1988) FS 414-418/SF 403-407

7. Federal Sentencing Guidelines

Mistretta v United States 488 U.S.361 (1989)

FS 419-422/ SF 408-411

8. Executive Privilege and Immunities

United States v Nixon 418 U.S. 613 (1974) FS 425-427/SF 422-424

Nixon v Fitzgerald 457 U.S. 731 (1982) FS 428-429/SF 426-427

Clinton v Jones 520 U.S. 681 (1997) FS 429-435/SF 427-432

Trump v Mazars USA, LLP 140 S. Ct. 2019 (2020) Supp. 11-16

Trump v Vance 140 S. Ct. 2412 (2020) Supp. 16-18

(Implications: FS 435-441/ SF 432-439)

VIII. The New Equal Protection Clause

**Friday, November 5**

A. The Traditional Approach: The "Rational Relationship" Requirement

Railway Express Agency v New York 336 U.S. 106 (1949)

FS 647-659/ SF 645-647

B. Suspect (Race and Alienage) and Quasi-Suspect (Gender)

Classifications

1, Race

Brown v Board of Education 347 U.S. 483 (1954)

Bolling v Sharpe 347 U.S. 497 (1954) and Brown II

FS 661-671/SW 663-673

Loving v Virginia 388 U.S. 1 (1967) FS/SF 674-675

Palmore v Sidoti 466 U.S. 429 (1984) FS 673-674/SF 675-676

2. Gender

\*Frontiero v Richardson 411 U.S. 677 (1973)

FS 759-761/SF 761-762

Craig v Boren 429 U.S. 190 (1976) FS 762-764/SF 763-766

Michael M. v Superior Court 450 U.S. 464 (1981)

FS 778-780/SF 779-781

Mississippi University for Women v Hogan 458 U.S. 718

(1982) FS 765-767/ SF 766-768

J.E.B. v Alabama 511 U.S. 127 (1994) FS 767/SF 768-769

United States v Virginia 518 U.S. 515 (1996) FS 768775/SF 769-777

**Week # 9**

**Monday, November 8**

3. Alienage, Illegitimacy, and sexua; "heightened scrutiny" classifications

Cleburne v Cleburne Living Center, Inc. 473 U.S. 432 (1985)

FS/SF 799-803

Romer v Evans 517 U.S. 620 (1996) FS 556-561/SF 553-558

4. Sexual Orientation and Same-Sex Marriage

Lawrence v Texas 539 US 558 (2003) FS 563-570/SF 562-568

United States v Windsor 133 S. Ct. 2675 (2013) FS 575-582/SF 572-579

Obergefell v Hodges 135 S. Ct. 2584 (2015) FS 5833-591/SF 581-590

(Dry, The Same-Sex Marriage Controversy and American

Constitutionalism: Lessons Regarding Federalism the Separation of Powers and Individual Rights,” Vermont Law Review vol. 39, part 2, Winter 2014 pp. 275-340

Dry, Same-Sex Marriage and American Constitutionalism (Paul Dry

Books 2017)

**Wednesday, November 10**

C. The "Purposeful Discrimination" Requirement, and the "Purpose-

Impact" Distinction

1. Proving Purposeful Discrimination (FS 680-683/SF 682-685)

Washington v Davis 426 U.S. 229 (1976) FS 684-687/SF 686-689

Arlington Heights v Metropolitan Housing Corp. 429 U.S. 252 (1977)

FS 687-689/SF 689-691

Personnel Administrator of Mass. v Feeney 442 U.S. 256 (1979)

FS 786-789/ SF 786-789

Rogers v Lodge 458 U.S. 613 (1982) FS 689-690/SF 691-692

Hunter v Underwood 471 U.S. 222 (1985) FS 689-60/SF 692-693

2. The School Desegregation Context

Green v County School Board 391 U.S. 430 (1968) p. 511

Swann v Charlotte-Mecklenburg Board of Education

402 U.S. 1 (1971)

Keyes v School District No. 1, Denver, Co. 413 U.S. 189

(1973)

Missouri v Jenkins 515 U.S. 70 (1999)

Milliken v Bradley 418 U.S. 717 (1974)

Board of Ed. Oklahoma City v Dowell 498 U.S. 237 (1991) FS668-671/SF 670-673

D. Affirmative Action

**Friday, November 12**

Regents of University of California v Bakke 438 U.S. 265 (1978)

FS 692-699/SF 693-700

Wygant v Jackson Board of Education 476 U.S. 267 (1986)

FS 699-700/SF 701-702

City of Richmond v Croson 488 U.S. 469 (1989) FS 701-704/SF 703-706

Adarand Constructors, Inc. v Pena 515 U.S. 115 (1995) FS 704-709/SF 706-711

**Week #10**

**Monday, November 15**

Grutter v Bollinger 539 U.S. 306 (2003) and

# Gratz v Bollinger 539 U.S. 244 (2003) FS 709-722SF 712-724

Parents Involved in Community Schools v Seattle School District

551 U.S. 701 (2007) FS 736-745/SF 735-745

Schuette v Coalition to Defend Affirmative Action 134 S. Ct. 1623

(2014) FS/SF 733-735

Fisher v University of Texas (I) 133 S. Ct 2411 (2013)

Fisher v University of Texas (II) 136 S. Ct. FS 729-733

**Wednesday, November 17**

E. The "Fundamental Rights and Interests" Strand of Equal

Protection: "Strict Scrutiny"

1. Voting Rights

Harper v Virginia Board of Elections 383 U.S. 663 (1966)

FS/SF 806-808

Kramer v Union Free School District 395 U.S. 621 (1969)

FS/SF 808-809

Crawford v Marion County Election Board 553 U.S. 181 (2008)

FS/SF 810-813

Reynolds v Sims 377 U.S. 533 (1964) FS/SF 814-818

**Friday, November 19**

Gaffney v Cummings 412 U.S. 735 (819) FS 819/SF 818-819

Davis v Bandemer 478 U.S. 109 (1986) FS820-822/SF 819-822

Vieth v Jubelirer 541U.S. 267 (2004) FS 822-823/SF 822

Gill v Whitford 137 S. Ct. 2268 (2018) FS 824-825

Rucho v Common Cause 139 S. Ct. 2484 (2019) Supp. 21-24

Arizona State Legislature v Arizona Independent Redistricting

Commission 135 S. Ct. 2652 (2015) FS 825-826/SF 823-825

Shaw v Reno 509 U.S. 630 (1993) FS 745-750/SF 746-751

Shaw v Hunt 517 U.S. 899 (1996) FS 751-752/SF 752-753

Bush v Vera 517 U.S. 952 (1996) FS 752-753/SF 753-754

Easley v Cromartie 532 U.S. 234 (2001) FS 754-755/SF 755-756

**Week # 11**

**Monday, November 22**

2. Economic Barriers to Courts and Economic Inequalities

M.L.B. v S.L.J. 519 U.S. 102 (1996) FS 834-838/SF 831-836

Dandridge v Williams 397 U.S. 471 (1970) FS 839-840/SF 836-838

San Antonio Independent School District v Rodriguez 411 U.S. 1

(1973) FS 841-848/SF 839-846

Pyler v. Doe 457 U.S. 202 (1982) FS 849-851/SF 846-849

**Wednesday, November 24-Friday November 26 Thanksgiving Vacation**

**Week # 12**

**Monday, November 29**

IX. The Nationalization of Civil Rights Protection

A. The State Action Doctrine

Shelley v Kraemer 334 U.S. 1 (1948) FS 863-865/SF 861-863

Burton v Wilmington Parking Authority 365 U.S. 715 (1961)

FS 866-867/SF 864-865

Moose Lodge N. 107 v Irvis 407 U.S. 163 (1972) FS 867-868/SF 865-866

Reitman v Mulkey 387 U.S. 369 (1967) FS 868-869/SF 866-867

Jackson v Metropolitan Edison Co. 419 U.S. 345 (1974) FS 870-872/SF 868-870

**Wednesday, December 1**

B. Congressional Power to Reach Private Interference with Civil Rights

FS 853-856, 878/SF 851-853, 876-877 (statutory framework)

United States v Guest 383 U.S. 745 (1966) FS 878-880/SF 877-87

United States v Price 383 U.S. 787 (1966) FS 881/ SF 879-880

Screws v United States 325 U.S. 91 (1945) FS 881-882/ SF 880

Jones v Mayer 392 U.S. 409 (1968) FS 885-886/SF 884-885

Runyon v McCrary 427 U.S. 160 (1976) FS 887-888/SF 886

**Friday, December 3**

C. Congressional Power to Enforce Rights Under the 14th and 15th Amendments

South Carolina v Katzenbach 383 U.S. 301 (1965) FS 888-889/ SF 887-890

Katzenbach v. Morgan 382 U.S. 641 (1966) FS 892-898/SF 891-895

Oregon v Mitchell 400 U.S. 112 (1970) FS 898-899/SF 897-898

Rome v United States 446 U.S. 156 (1980) FS 899-901/SF 898-900

**Week # 13**

**Monday, December 6**

City of Boerne v Flores 521 U.S. 507 (1997) FS 902-907/SF 901-906

United States v Morrison 529 U.S. 598 (2000) FS 915-917/SF 915-917

Shelby County v Holder 133 S. Ct. 2612 (2013) FS 909-913/908-912

**Wednesday, December 8 Mock Court Exercise: Oral Argument**

**Friday, December 10 The Supreme Court Hands Down its Decision**