AMERICAN CONSTITUTIONAL LAW II

Texts:

Stanley Kutler, *The Supreme Court and the Constitution*

Robert McCloskey, *The American Supreme Court*

Earl Maltz, *Civil Rights, the Constitution, and Congress: 1863-1869*

All cases can be found in the Kutler book unless otherwise noted. An "R" indicates that the reading is on reserve.

Course Requirements:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Take-home midterm</td>
<td>25%</td>
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<tr>
<td>Final exam</td>
<td>30%</td>
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<tr>
<td>Final paper</td>
<td>35%</td>
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<tr>
<td>Participation</td>
<td>10%</td>
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Please note: There will be NO CLASS on the following dates: Thurs. April 1, Thurs. April 8, and Thurs. April 15, because of Passover and a conference. I will be scheduling at least two makeup classes, probably in late April and May.

Were we meeting twice a week for the term there would be nineteen classes. I have listed reading assignments by number rather than by date, as I don't know yet when the makeup classes will be. For now we'll simply take the assignments in order, one number per class, skipping the three Thursdays mentioned above.

1. Introduction

ORIGINS

2. Declaration of Independence

U.S. Constitution


Paul Finkelman, *Slavery and the Founders*, ch. 5, "Thomas Jefferson and Slavery I" (R)
4. Marbury v. Madison  
   Eakin v. Raub  
   McCloskey, chs. 1-2

CIVIL WAR AND RECONSTRUCTION

5. Dred Scott v. Sanford  
   McCloskey, chs. 3-4

   A. Lincoln, "First Inaugural Address," in ibid., #202 (R)  
   Charles Sumner, "Resolutions on Secession," in ibid., #212  
   Ex Parte Milligan  
   McCloskey, pp. 67-76

7. Maltz, chs. 1-3
8. Maltz, chs. 4-5
9. Maltz, chs. 6-7  
   Judith Baer, Equality Under the Constitution: Reclaiming the Fourteenth Amendment, ch. 4, "Equality and the Reconstruction Congress" (R)

10. Maltz, chs. 8-10
11. McCloskey, pp. 76-90  
   Slaughterhouse Cases  
   Civil Rights Cases  
   Plessy v. Ferguson

ECONOMIC REGULATION

12. McCloskey, ch. 6  
   Michael J. Sandel, Democracy's Discontent, ch. 6, "Free Labor versus Wage Labor" (R)  
   Munn v. Illinois

   Muller v. Oregon  
   Bunting v. Oregon  
   Adkins v. Children's Hospital
14. Shreveport Case (p. 264)
   * U.S. v. E.C. Knight
   * Champion v. Ames (p. 309)
   * Hammer v. Dagenhart
   * Stafford v. Wallace
   * Schechter Poultry Co. v. U.S.
   * Carter v. Carter Coal

15. McCray v. U.S.
   * Bailey v. Drexel Furniture (p. 340)
   * U.S. v. Butler
   * U.S. v. Curtiss-Wright (p. 703)

16. West Coast Hotel v. Parrish
   * NLRB v. Jones & Laughlin
   * U.S. v. Darby
   * Wickard v. Filburn
   * Seward Machine v. Davis

**FREE SPEECH AND PRIVACY RIGHTS**

17. Schenck v. U.S.
   * Abram v. U.S.
   * Gitlow v. U.S.
   * Whitney v. Calif.

18. Meyer v. Nebraska (R)
   * Pierce v. Society of Sisters (R)

19. Conclusions

The final exam will be on Monday morning June 7.