

## **Constitutional Law I**

**Prof. Fletcher**

**Mondays, 2:00 – 3:40 PM**

**Room 472**

### **Syllabus v. 1.1**

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Fletcher Office Hours: Mondays, 1PM to 2PM  
Mondays, 4PM to 5PM  
By appointment

### **Required Books**

BREST, LEVINSON, BALKIN, AMAR, & SIEGEL, PROCESSES OF CONSTITUTIONAL DECISIONMAKING (5th ed. 2006) (“Brest, Levinson”)

### **Other Required Materials Available at:**

<http://turtletalk.wordpress.com/matthew-lm-fletcher/constitutional-law-i-spring-2009-class-materials/> (“Turtle Talk”)

- Each week, Turtle Talk’s Con Law I website will be updated to include additional materials, including discussion questions for each class.

### **Recommended Books**

CHEMERINSKY, CONSTITUTIONAL LAW: PRINCIPLES AND POLICIES (3rd ed. 2006)

DORF, CONSTITUTIONAL LAW STORIES (2004) (“[Author], Constitutional Law Stories”)

SCHROEDER AND BRADLEY, PRESIDENTIAL POWER STORIES (2009) (“[Author], Presidential Power Stories”)



**Introduction – Sources of Authority for Congressional Action: Indian Law Case Studies**

Week 1 – January 15, 2009

- United States v. Kagama [Turtle Talk]
- United States v. Lara [Turtle Talk]

**Part I – Foundations of Constitutional Law: *Marbury v. Madison* & *McCulloch v. Maryland***

Week 2 – January 26, 2009

- Brest, Levinson pp. 38-59, 67-74 (McCulloch)
- Brest, Levinson pp. 108-136 (Marbury)
- Recommend Farber, Constitutional Law Stories pp. 33-67
- Recommend McConnell, Constitutional Law Stories pp. 13-31

**Part II – Executive Authority**

Week 3 – February 2, 2009

- Brest, Levinson pp. 271-279 (The Prize Cases and Ex parte Merryman)
- Materials on the Dakota War Trials [Turtle Talk]
- Brest, Levinson pp. 287-290 (Ex parte Mulligan)
- Recommend Lee and Ramsey, Presidential Power Stories pp. 53-92
- Recommend Bradley, Presidential Power Stories pp. 93-132

Week 4 – February 9, 2009

- United States v. Curtiss-Wright Export Corp. [Turtle Talk]
- Brest, Levinson pp. 872-878 (Ex parte Quirin)
- Johnson v. Eisentrager [Turtle Talk]
- Recommend, Powell, Presidential Power Stories pp. 195-231

Week 5 – February 16, 2009

- Brest, Levinson pp. 819-841 (Steel Seizure case)



- Dames & Moore v. Reagan [Turtle Talk]
- Brest, Levinson pp. 841-872 (Hamdi and Padilla)
- Recommend Bellia, Presidential Power Stories pp. 233-85
- Recommend Bruff, Presidential Powers Stories pp. 369-400

#### Week 6 – February 23, 2009

- Hamdan v. Rumsfeld [Turtle Talk]
- Boumediene v. Bush [Turtle Talk]
- Recommend Johnsen, Presidential Power Stories pp. 447-85

#### Week 7 – March 2, 2009

- In re Subpoena to Nixon [Turtle Talk]
- United States v. United States District Court (Keith) (majority opinion only) [Turtle Talk]
- Brest, Levinson 749-761
- ACLU v. National Security Agency (E.D. Mich.) [Turtle Talk]
- Recommend Morrison, Presidential Power Stories pp. 287-325
- Recommend Schroeder, Presidential Power Stories pp. 327-367

### **Part III – Congressional Authority**

#### Week 8 – March 16, 2009

- Brest, Levinson pp. 168-186 (Gibbons v. Ogden)
- Brest, Levinson pp. 549-564 (Jones & Laughlin Steel, etc.)
- Brest, Levinson pp. 601-627 (Lopez)
- Gonzales v. Raich [Turtle Talk]
- Recommend Chen, Constitutional Law Stories pp. 69-118

#### Week 9 – March 23, 2009

- Brest, Levinson 373-385 (Civil Rights Cases)
- Brest, Levinson 570-600 (Reconstruction Powers)



- Brest, Levinson 629-649 (Boerne etc.)
- Recommend, Tushnet, Constitutional Law Stories pp. 505-531

Week 10 – March 30, 2009

- Florida v. Seminole Tribe [Turtle Talk]
- Alden v. Maine [Turtle Talk]
- Board of Trustees v. Garrett [Turtle Talk]
- Tennessee v. Lane [Turtle Talk]
- Gonzales v. Raich [Turtle Talk]

Week 11 – April 6, 2009

- Brest, Levinson 456-460 (Holland)
- Brest, Levinson 627-629 (South Dakota v. Dole)
- Granholm v. Heald [Turtle Talk]

#### **Part IV – Judicial Authority**

Week 12 – April 13, 2009

- Brest, Levinson 887-892
- ACLU v. National Security Agency (CA6) [Turtle Talk]
- Massachusetts v. EPA [Turtle Talk]
- Powell v. McCormack [Turtle Talk]

#### **Part V – Federalism: States vs. Congress**

Week 13 – April 20, 2009

- Brest, Levinson pp. 84-95
- Brest, Levinson pp. 649-688 (Garcia, Gregory, and New York)
- Brest, Levinson pp. 693-729 (Printz and U.S. Term Limits)

#### **Part VI – Wildcard Week**

Week 14 – April 27, 2009



- Class will vote on one of four options as to the subject matter of this class, to be announced at a later date