**CONSTITUTIONAL LAW I**

**Professor Mike Ramsey**

**Spring 2022**

**Reading List**

**Unit 2 – Federalism: The Scope of State and National Powers**

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Note: All paginated assignments refer to the casebook (Maggs & Smith, *Constitutional Law: A Contemporary Approach* [5th ed. 2020]). Assignments designated as supplemental reading or writing assignments are available for download from the course webpage.

I. Introduction: Federalism and Enumerated Powers

A. Introduction to federalism and enumerated powers, pp. 111-114; re-read U.S. Const. Article I & Amendment X.

1. *McCulloch v. Maryland*, pp. 114-126.

II. Commerce Power: (i) – Historical Perspective

A. *Gibbons v. Ogden* & related introductory comment, pp. 132-137.

B. Pre-New Deal cases: *U.S. v. E.C. Knight*, *Hammer v. Dagenhart* and related notes and cases, pp. 138-150.

C.The commerce power and the New Deal: *Carter Coal*, *Jones & Laughlin,* and *Wickard v. Filburn,* pp. 150-162.

D. *Heart of Atlanta* and *McClung*, pp. 162-168.

III. Commerce Power: (ii) – The Modern Commerce Clause

A. *Lopez* and *Morrison*, pp. 168-183.

B. *Gonzales v. Raich*, pp. 184-191.

C. *NFIB v. Sebelius* [part I], pp. 192-204.

IV. Other Powers of Congress

A. The taxing power, pp. 204-219, esp. *NFIB v. Sebelius* [part II] on pp. 210-218.

B. The spending power, pp. 219-236, esp. *South Dakota v. Dole* on pp. 223-226 and *NFIB v. Sebelius* [part III] on pp. 227-236.

V. Federalism Rights of the States

1. Supplemental reading #7: *Gregory v. Ashcroft* and *Bond v. United States.*

B. Commandeering: *New York v. United States* and *Printz v. United States*, pp. 250-264.

C. State sovereign immunity: *Alden v. Maine*, pp. 264-274.

D. Chapter summary and point-counterpoint, pp. 274-279.

VI. Limitations on State Power: (i) Preemption

A. U.S. Const. Art. I, Sec. 10 & Art. VI.

B. *Silkwood v. Kerr-McGee Corp.* and related introductory note, pp. 281-290.

C. Supplemental reading #8: *Gade v. NSWMA, Crosby v. National Foreign Trade Council* and related notes and questions.

VII. Limitations on State Power: (ii) The Dormant Commerce Clause

A. Introduction, pp. 290-292.

B. Facial discrimination: *Dean Milk v. Madison* and *Hughes v. Oklahoma*, pp. 302-308, and *Philadelphia v. New Jersey*, pp. 321-324.

C. Supplemental reading #9: *Hunt v. Washington State Apple Advertising Comm’n* and *Maine v. Taylor*.

D. Excessive burdens: *South Carolina v. Barnwell Brothers*, *Southern Pacific v. Arizona*, and *Kassel v. Consolidated Freightways,* pp. 308-321.

VIII. Limitations on State Power: (iii) The Privileges and Immunities Clause

1. U.S. Const. Art. IV, Sec. 2, cl. 1.

B. *Baldwin* and *Piper*, pp. 340-349.

IX. Writing Assignment

A. Federalism writing assignment.