**CONSTITUTIONAL LAW I**

**Professor Mike Ramsey**

**Spring 2024**

**Reading List**

**Unit 1 – Separation of Powers within the National Government**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Note: All paginated assignments refer to the casebook (Maggs & Smith, *Constitutional Law: A Contemporary Approach* (6th ed. 2023)). Assignments designated as supplemental reading, hypotheticals or writing assignments are available for download from the course webpage.

I. Introduction

A. Text of the U.S. Constitution, especially Articles I-VII & Amendment I, pp. 1571-1589.

B. Introduction, pp. 1-22.

C. Consider and be prepared to discuss the following: Why do we need a Constitution? What purposes does a constitutional system serve, compared to a system of simple majority rule? How is constitutional law different from other law? What are the sources of constitutional law?

II. The Executive Power

A. Introduction to separation of powers, pp. 379-380; re-read U.S. Constitution, Article II, pp. 1576-1578.

B. Supplemental reading #1: historical introduction to executive power.

C. *Youngstown Sheet & Tube Co. v. Sawyer* (the *Steel Seizure Case*) and accompanying notes, pp. 381-393.

D. *Dames & Moore v. Regan*, *United States v. Curtiss-Wright Export Co.* andaccompanying notes, pp. 393-405.

E. Supplemental reading #2: *Zivotofsky v. Kerry*.

F. Presidential war power: *Hamdi v. Rumsfeld* andaccompanying notes, pp. 411-427.

G. Supplemental reading #3: Executive deference and *Trump v. Hawaii*.

H. Executive privileges and immunities (i): *U.S. v. Nixon, Clinton v. Jones,* and related notes and comments, pp. 427-446.

I. Executive privileges and immunities (ii): *Trump v. Vance* and *Trump v. Mazars USA LLP*, pp. 446-467.

J. Chapter Summary and Point/Counterpoint, pp. 468-473.

III. The Legislative Power

A. The legislative process: *INS v. Chadha*, *Clinton v. New York,* and accompanying notes, pp. 484-501.

B. Delegation and nondelegation: *Whitman v. American Trucking Ass’n* and related notes and comments, pp. 475-484, plus Supplemental reading #4 (*Gundy v. United States* (Gorsuch dissent)).

C. Congressional control over appointments: introduction and *Lucia v. SEC*, pp. 502-510.

D. Congressional removals: *Bowsher v. Synar*, pp. 519-528.

E. Congressional control over executive removals (i): *Myers* and *Humphrey’s Executor*, pp. 511-518.

F. Congressional control over executive removals (ii): *Morrison v. Olson*, *Selia Law v. CFPB* and accompanying notes, pp. 529-554.

G. Chapter Summary, pp. 559-560.

IV. The Judicial Power: (i) Judicial Review

A. Introduction; *Marbury v. Madison* and accompanying notes, pp. 65-75.

B. *Martin v. Hunter’s Lessee* and accompanying notes, pp. 76-81.

C. *Cooper v. Aaron* and accompanying notes, pp. 81-87.

V. The Judicial Power: (ii) Limits on the Judicial Power

A. Introduction to “case or controversy” requirements, pp. 99-103.

B. *Allen v. Wright,* *Lujan v. Defenders of Wildlife* and related notes and comments, pp. 104-119.

C. Supplemental reading #5: *Massachusetts v. EPA* and *Clapper v. Amnesty International.*

D. Political questions: *Baker v. Carr*, *Nixon v. United States,* and accompanying notes, pp. 85-98; *Goldwater v. Carter*, pp. 406-409.

E. Supplemental reading #6: *Zivotofsky v. Clinton*.

F. Chapter Summary and Point/Counterpoint, pp. 124-128 .

VI. Writing Assignment

A. Separation of Powers writing assignment.