**CONSTITUTIONAL LAW I**

**Professor Mike Ramsey**

**Spring 2024**

**Reading List**

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

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All paginated assignments refer to the casebook (Maggs & Smith, *Constitutional Law: A Contemporary Approach* (6th ed. 2023)). 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. 131-132; re-read U.S. Const. Article I, Sections 1 & 8, and Amendment X.

1. *McCulloch v. Maryland*, pp. 132-143.

II. Commerce Power: (i) – Historical Perspective

A. *Gibbons v. Ogden* & related introductory comment, pp. 150-155.

B. Pre-New Deal cases: *U.S. v. E.C. Knight*, *Hammer v. Dagenhart* and related notes and cases, pp. 156-170.

C.The commerce power and the New Deal: *Carter Coal*, *Jones & Laughlin,* and *Wickard v. Filburn,* pp. 170-181.

D. *Heart of Atlanta* and *McClung*, pp. 181-186.

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

A. *Lopez* and *Morrison*, pp. 186-201.

B. *Gonzales v. Raich*, pp. 202-210.

C. *NFIB v. Sebelius* [part I], pp. 210-222.

IV. Other Powers of Congress

A. The taxing power, pp. 222-237, esp. *NFIB v. Sebelius* [part II] on pp. 224-236.

B. The spending power, pp. 237-254, esp. *South Dakota v. Dole* on pp. 242-245 and *NFIB v. Sebelius* [part III] on pp. 246-254.

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. 268-282.

C. State sovereign immunity: *Alden v. Maine*, pp. 282-292.

D. Chapter summary and point-counterpoint, pp. 292-297.

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. 299-308.

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. 308-310.

B. Facial discrimination: *Dean Milk v. Madison* and *Hughes v. Oklahoma*, pp. 320-326, and *Philadelphia v. New Jersey*, pp. 339-342.

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. 326-339.

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. 358-366.

IX. Writing Assignment

A. Federalism writing assignment.