

CONSTITUTIONAL LAW
SPRING TERM, 2018
Section 1
Professor Johnson

Readings for First Week of Class

Students, Here are the readings for the first week of class. Professor Chemerinsky has published a supplement to the textbook with background material on the subjects covered in the textbook. I do not require students to purchase the supplement, but many students do. We will read part of Chapter One (Historical Background and Contemporary Themes) of the supplement for the first class (excerpt on TWEN). If you like it, you may want to purchase the supplement. Also, many students report enjoying Radiolab's "More Perfect" podcasts on the Supreme Court, available at <http://www.wnyc.org/shows/radiolabmoreperfect/>. I have added some of them to the syllabus as recommended, not required. I recommend two of them for the first week's classes. They are each about an hour long. You can listen to them over break as a nice warm-up for Con Law. Finally, please note that we have a lot to read for the second class. This would be a good place to "read ahead" before the semester begins.

Yes, we get back to Standing at the end of the week! See you in class on January 8!

Monday, January 8

The Birth of Con Law and Judicial Review: *Marbury v. Madison*

Textbook, pp. 1-9

Historical Background and Contemporary Themes, pp. 1-16 (on TWEN)

Recommended: More Perfect Podcast—Kittens Kick the Blue Robot All Summer (Season 1)

Marbury v. Madison (1803)

Wednesday, January 10

Limits on Judicial Review

Textbook, pp. 11-39

Recommended: More Perfect Podcast—The Gun Show (Season 2)

1). Interpretive Limits

District of Columbia v. Heller (2008)

2). Congressional Limits on Judicial Review—The Exceptions and Regulations Clause (Article III, Section 2, Clause 2)

Ex Parte McCordle (1868)

United States v. Klein (1871)

Bank Markazi v. Peterson (2016)

Friday, January 12

Justiciability Limits on Judicial Review, Part 1: Advisory Opinions and Standing
Textbook, pp. 40-59

Optional Background Reading: Antonin Scalia, *The Doctrine of Standing
as an Essential Element of the Separation of Powers*, 17 Suffolk U. L.
Rev. 881 (1983) (on TWEN)

Hayburn's Case (1792)

Plaut v. Spendthrift Farm, Inc. (1992)

Allen v. Wright (1984)

Massachusetts v. EPA (2007)