

Constitutional Law (Spring 2025) - Syllabus

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Syllabus: <https://bit.ly/Spring2025ConLawSyllabus>

Overview

Welcome to Constitutional Law. This class will cover a wide range of topics in constitutional law, including our constitutional structure, the scope of federal powers, the separation of powers, the 14th Amendment's Due Process and Equal Protection clauses, individual liberty, federalism, the Supreme Court, and many other topics.

Textbooks

We will be using "Constitutional Law: Cases in Context" by Barnett and Blackman (Fourth Edition, Aspen Casebook Series).

I can provide a free copy of the [2024 Supplement](#), which has some of the more recently-decided cases.

I will also assign readings and videos from the supplement, *An Introduction to Constitutional Law: 100+ Supreme Court Cases Everyone Should Know* (Second Edition) by Barnett and Blackman. If you purchase a print copy of the book, there will be a scratch-off code on the front cover. You can then use that code to watch the videos on [CasebookConnect.com](https://www.casebookconnect.com). If you buy the ebook through Kindle, you will have to email your receipt to customer.service@wolterskluwer.com to request an access code. If you buy the ebook through VitalSource, the videos will be embedded into the ebook. The videos are also available on YouTube:

<https://www.youtube.com/@foundationfortheconstitution/videos>

Examination:

During the exam period, I will administer a three-hour graded final examination. We will hold a review session before the final exam.

The exam is completely open-book. You can only use materials that were printed before the exam began. Obtaining any new information from anyone or anything (including AI) after the exam begins is prohibited.

You can download previous exams here:

- [Final Exam \(Fall 2020\)](#), [Memo](#), [A+ Answer](#)
- [Midterm \(Fall 2020\)](#), [Memo](#)
- [Final Exam \(Fall 2019\)](#), [A+ Answer](#), [Memo](#)
- [Final Exam \(Summer 2019\)](#), [A+ Answer](#), [Memo](#)
- [Final Exam \(Fall 2018\)](#), [A+ Answer](#), [Memo](#)
- [Midterm \(Fall 2018\)](#), [A+ Answer](#), [Memo](#)
- [Final Exam \(Spring 2018\)](#), [A+ Answer](#), [Memo](#)
- [Midterm \(Spring 2018\)](#), [A+ Answer](#), [Memo](#)
- [Final Exam \(Fall 2017\)](#), [A+ Answer](#)
- [Midterm \(Fall 2017\)](#), [A+ Answer](#)
- [Final Exam \(Spring 2017\)](#), [A+ Answer](#)
- [Midterm \(Spring 2017\)](#), [A+ Answer](#)
- [Final Exam \(Spring 2016\)](#), [A+ Answer](#)
- [Midterm \(Spring 2016\)](#), [A+ Answer](#)
- [Final Exam \(Fall 2015\)](#), [A+ Answer](#)
- [Midterm \(Fall 2015\)](#), [A+ Answer](#)
- [Final Exam \(Spring 2015\)](#), [A+ Answer](#)
- [Final Exam \(Spring 2014\)](#), [A+ Answer](#)

Attendance and Class Participation:

I will also use the iClicker Reef system to receive feedback from students. You can use the Clicker with your [smartphone](#) or in your [web browser](#). Please download the application and register an account before class begins. I will open up the attendance page a few minutes before class, and turn it off when I begin class.

Office Hours

I will hold office hours on Mondays and Wednesdays before and after class ends, and at other times by appointment. I am happy to meet with students one-on-one, or in study groups.

Interaction:

You can reach me via email at ConLawSpring2025@JoshBlackman.com.

You can also view all the class videos by subscribing to the [YouTube channel](#) or viewing the [Fall 2025](#) playlist. I have created playlists of the lectures from previous years:

- [Fall 2020](#)
- [Fall 2019](#)
- [Summer 2019](#)
- [Fall 2018](#)
- [Spring 2018](#)
- [Fall 2017](#)
- [Spring 2017](#)
- [Spring 2016](#)
- [Fall 2015](#)
- [Spring 2015](#)
- [Spring 2014](#)

I encourage you to watch my lectures from past years before class. However, because I had to modify the syllabus, the class numbers will not match up. Also, I will have covered cases that are not assigned for the current semester.

You can view all of the class notes in this Google Drive [folder](#).

Schedule

The course calendar is available [here](#).

Class 1: The Founding (1/15/25)

Textbook:

- The Origins of the Constitution (3-4)
- The Declaration of Independence (4-12)
- The Articles of Confederation (26-27)
- Read the Articles of Confederation (li-xlii)
 - The roman numeral pages are in the preface of the textbook.
- Drafting and Ratifying the Constitution (27-29)
- Read the Constitution of the United States (xxxiii – I)
- The Origins of the Bill of Rights and Anti-Federalist Complaints (44-45)
- James Madison Delivers on the Promise of a Bill of Rights (49)
- Read the Amendments to the Constitution (xlili-I)

Slides:

- Declaration of Independence:
<https://docs.google.com/presentation/d/1o7-m-q5MurNMQvpLf83NwtKhwnfWkrMe4WM3WI6WeqE/edit?usp=sharing>
- Articles of Confederation:
<https://docs.google.com/presentation/d/1tJy9ij9y1My3X0PZumwj0wNhjYxSt3RMlp3kmJzJyWA/edit?usp=sharing>
- Constitution:
<https://docs.google.com/presentation/d/1DoMmRusWAEZdhStTUku37aCWy865ASgmqWm0W8xBNLU/edit?usp=sharing>

Note: Read these documents in their entirety. They're not long. And no one should graduate law school without reading them at least once.

Class 2: The Judicial Power (1/22/24)

Textbook:

- The Federalist Papers (30-31)
- Federalist No. 78 (36-40)
- The Judicial Power (90-92)
- Marbury v. Madison (92-99)
 - Video: <https://youtu.be/XKVH9lgkpgk?si=UpuiU6K8ZkecKahx>

- Evidence of the Meaning of Judicial Power (99-102)

Supplement (*An introduction to Constitutional Law*):

- Read Chapter 2 and watch the [video](#)

Class 3: Foundational Cases on Constitutional Structure (1/27/25)

Textbook:

- The Necessary and Proper Clause (105)
- McCulloch v. Maryland (106-118)
 - Video: https://youtu.be/NoDLJaaPUzE?si=iK_udif9lkmULTio
- [Cabinet Battle #1](#) from Hamilton, an American Musical – Read the [lyrics](#) as you listen to the song
- The Commerce Clause (128)
- Gibbons v. Ogden (129-137)
 - Video: <https://youtu.be/YLfNLljxubs?si=fAQN-THFgg7Jwmzy>
- The “Bill of Rights” (142-144)
- Barron v. City of Baltimore (144-147):
 - Video: <https://youtu.be/5egDKNq58ms?si=OxUes7KhVXIpdwpG>

Supplement:

- Read Chapters 3, 4, and 5

Class 4: Enumerated Powers I – The Taney and Chase Courts (1/29/25)

Textbook:

Introduction

- Read Article I, Section 8 of the Constitution (xxxvi-xxxvii)

The Taney Court

- Prigg v. Pennsylvania (166-173)
 - Video: <https://youtu.be/Hz8o0t1etDY?si=SW-WXXcAeDbRgech>

The Chase Court

- Enumerated Powers (183-186)

- United States v. Dewitt (186-188)
- Hepburn v. Griswold (188-193)
- Knox v. Lee (194-202)
 - Video: <https://youtu.be/ZEXZ4nK-wyY?si=vZnRzwb7o9XcEMUH>

Supplement:

- Read Chapters 6 and 7

Class 5: Enumerated Powers II – The Progressive Era and New Deal Court (2/3/25)

Textbook:

Progressive Era

- Progressive Era Cases (203-205)
- United States v. E.C. Knight Co. (206-211)
- Champion v. Ames (211-217)
- Hammer v. Dagenhart (217-221)
 - Video: https://youtu.be/dWcqtSppXfM?si=JT8mJVfOAQDb_Lau

New Deal Court before 1937

- Schechter Poultry Corp. v. United States (221-227)
 - Video: <https://youtu.be/TjWgJHh8lKA?si=luyRJMutzVKfiQ1>

Supplement:

- Read Chapters 8 and 9

Class 6: Enumerated Powers III – The New Deal Court and the Warren Court (2/5/24)

Textbook:

New Deal Court after 1937

- The New Deal Court (228-231)

- NLRB v. Jones & Laughlin Steel Corp. (231-234)
- United States v. Darby (235-237)
- Wickard v. Filburn (238-240)
 - Video: <https://youtu.be/dgwNCa-vH0Q?si=INnOjvwXrRywO8MT>
- Cushman, Rethinking the New Deal (241-243)

The Warren Court

- The Warren Court (249-250)
- Hearts of Atlanta Motel v. Atlanta (250-258)
- Katzenbach v. McClung (259-262)
 - Video: <https://youtu.be/R1-4122ceeE?si=KUu6YCKImwEQJQd8>

Supplement:

- Read Chapters 10 and 11

Class 7: Enumerated Powers IV – The Rehnquist Court (2/10/25)

Textbook:

- The Spending Power (262-263)
- South Dakota v. Dole (263-268)
 - Video: <https://youtu.be/i2j88KNdudU?si=r076X2qs2KUsLaQG>
- The Commerce Clause and Necessary and Proper Clause (269-270)
- United States v. Lopez (271-282)
 - Video: <https://youtu.be/6algUwNSLbs?si=hLq5wtBDBixUs3S->
- United States v. Morrison (282-286)
 - Video: <https://youtu.be/QEncwaLzdx8?si=R5nE0pCMyRthHCMB>
- Gonzales v. Raich (286-294) (Majority opinion and Justice Scalia concurrence)
 - Video: <https://youtu.be/2v5fEl1SMmg?si=2uT2ZRVl4SaKObyK>

Supplement:

- Read Chapters 12, 13, 14, and 15

Class 8: Enumerated Powers V – The Affordable Care Act (“Obamacare”) (2/12/25)

Textbook:

- The Affordable Care Act (303-304)
 - Video: <https://youtu.be/f8vqkeFPNyM?si=UPJICeFNkGpODeOf>
- NFIB v. Sebelius: Commerce, Necessary and Proper, and Taxing Power (305-337).
- NFIB v. Sebelius: The Spending Power (337-343)
- [Excerpt](#) (Foreword and Introduction) from Unprecedented: A Constitutional Challenge to Obamacare by Josh Blackman (2013)

Supplement:

- Read Chapter 16

Class 9: Tenth Amendment (2/17/25)

Textbook:

- The Tenth Amendment (345-350)
- New York v. United States (350-361)
 - Video: <https://youtu.be/2mvV7eHQ2rk?si=as3Y6uJZAzxVfyHR>
- Printz v. United States (362-373)
 - Video: <https://youtu.be/83muRtfOliE?si=YdOT4gq85fZPAkuP>

Supplement:

- Read Chapters 17 and 18

Class 10: The Executive Power I (2/19/25)

Textbook:

- The Executive Power (429-431)
- Federalist No. 70 (431-435)
- The power to detain American citizens without trial (482-483)
- Hirabayashi v. United States (484-493)
- Korematsu v. United States (493-502)

- Ex Parte Endo (502-507)
 - Video: <https://www.youtube.com/watch?v=LBu-Qzweigo>

Supplement:

- Read Chapter 23

Class 11: The Executive Power II (2/24/25)

Textbook:

- Youngstown Sheet & Tube Co. v. Sawyer (456-476)
 - Video: <https://www.youtube.com/watch?v=pYtpY8ZGohY>
- Trump v. United States ([Supplement](#) 227-243, 246-256) - Roberts majority opinion and Sotomayor dissent

Supplement:

- Read Chapter 22

Class 12: The Separation of Powers I - The Appointment and Removal Power (2/26/25)

Textbook:

- The Separation of Powers (509-510)
- The Appointment Power (510-512)
- Morrison v. Olson (512-530)
 - Video: https://youtu.be/CzeGcz7nrjQ?si=7r7OGKZt7I_PSQaD
- Seila Law v. CFPB (531-555)

Supplement:

- Read Chapter 24

Class 13: The Separation of Powers II - Presidential Privileges and Immunities and Midterm Preview (3/3/25)

- Trump v. Vance (587-607)

Class 14: In-Class Practice Midterm and Review (3/5/25)

SPRING BREAK

Class 15: Slavery and *Dred Scott* (3/17/25)

Textbook:

- Slavery and the Constitution (149-159)
- Slavery and the Due Process of Law (677-680)
- Dred Scott v. Sandford (680-705)
 - Video: <https://www.youtube.com/watch?v=Npk4vR8b1vU>
- Constitutional Abolitionism and the *Dred Scott* Decision (705-711)
- The Aftermath of Dred Scott v. Sandford (711-712)

Supplement:

- Read Chapter 26

Class 16: The Privileges or Immunities Clause (3/19/25)

Textbook:

- The Reconstruction Amendments (717-718)
 - Video: https://youtu.be/ul6KDAmCDO0?si=CSsJKSp_Zt5kYVUO
- Adoption of the Reconstruction Amendments (718-727)
- What did the Privileges or Immunities Clause Protection (728-734)
- The Slaughter-House Cases (734-749)
- Bradwell v. Illinois (749-753)
- United States v. Cruikshank (754-760)
 - Video: https://youtu.be/K3YliqovRt8?si=cCumUY3058-V_vQn

Supplement:

- Read Chapters 27 and 28

Class 17: The Enforcement Powers of the 13th and 14th Amendments (3/24/25) - ZOOM: <https://stcl.zoom.us/j/97774057192>

Textbook:

- The Civil Rights Act of 1875 (777-779)
- Strauder v. West Virginia (779-787)
- The Civil Rights Cases (787-805)
 - Video: <https://youtu.be/vRSFQOhN0ow?si=3i48dlziY6Soou3z>
- United States v. Morrison (809-812)

Supplement:

- Read Chapter 29

Class Cancelled - 3/26/25

Class 18: The Due Process Clause and the Equal Protection Clause (3/31/25)

Textbook:

- Defining Due Process and Equal Protection (812-816)
- Yick Wo v. Hopkins (816-820)
- Plessy v. Ferguson (820-832)
 - Video: <https://youtu.be/KyXFjC9T6-s?si=nFlwxCcf5i8nUzDJ>

Supplement:

- Read Chapter 30

Class 19: Due Process Clause I: “Economic” Liberty in the Progressive Era (4/2/25)

Textbook:

- The Due Process Clause during the Progressive Era (833-836)
- Economic Liberty in the Progressive Era (840-841)
- Lochner v. New York (841-854)

- Video: <https://youtu.be/5qorr32mC3Y?si=N-13Z7hv8TEVAj4D>
- Muller v. State of Oregon (854-857)
- Buchanan v. Warley (858-863)
- Adkins v. Children's Hospital of District of Columbia (863-870)
 - Video: <https://youtu.be/8loE8VOhaeE?si=r8qnlxmPeMyq9vil>

Supplement:

- Read Chapters 31 and 32

MAKEUP - SUNDAY 4/6/25 (1:00 - 3:00)

Room 316

Or Zoom: <https://stcl.zoom.us/j/97774057192>

Class 20: Due Process Clause II: "Personal" Liberty in the Progressive Era and Economic Liberty before the New Deal (4/6/25)

Textbook:

- Meyer v. State of Nebraska (870-875)
- Pierce v. Society of Sisters (875-878)
- Buck v. Bell (879-884)
 - Video: <https://youtu.be/7wvyf4-TL48?si=ZAJHjmJ3bKpfazBc>
- Economic Liberty before the New Deal (884-886)
- O'Gorman & Young Inc. v. Hartford Fire Insurance Co. (887-888)
- Nebbia v. New York (889-895)
 - Video: <https://youtu.be/YdaAxfvbGsE?si=h5iPBR8an7TyaPfD>

Supplement:

- Read Chapters 33 and 34

[Makeup Class - Sunday - 4/6/25 from 1-3]

Class 21: Economic” Liberty Through and After the New Deal (4/7/25)

Textbook:

- West Coast Hotel v. Parrish (896-903)
- United States v. Carolene Products (904-909)
- A Footnote to Footnote Four (909-912)
- Lee Optical of Oklahoma v. Williamson (District Court) (914-920)
- Williamson v. Lee Optical of Oklahoma (920-923)
 - Video: <https://www.youtube.com/watch?v=ULwRYhv1DVA>

Supplement:

- Read Chapter 35

Class 22: Equal Protection I (4/9/25)

Textbook:

- Brown v. Board of Education (I) (935-943)
- Bolling v. Sharpe (943-946)
- Brown v. Board of Education (II) (946-949)
 - Video: https://youtu.be/_61vtLazL_o?si=9EmMJsUErmnYv5pt
- Massive Resistance to Brown and the Role of Courts (949-951)
- Cooper v. Aaron (951-955)
 - Video: <https://youtu.be/VbqXsfW5C8k?si=1esH59XTuvyyLjy2>
- Loving v. Virginia (Equal Protection) (971-975)
 - Video: <https://youtu.be/Qh2Slh3LLzo?si=XVtb1MJexoghhRp8>
- Three tiers of scrutiny under the Equal Protection Clause (976-976)

Supplement:

- Read Chapters 36, 37, and 38

Class 23: Equal Protection II: Affirmative Action I (4/14/25)

Textbook:

- Regents of the University of California v. Bakke (980-994)

- Freedmen's Bureau Act of 1865 (994-995)
- Grutter v. Bollinger (995-1006)
- Gratz v. Bollinger (1006-1009)
 - Video: <https://youtu.be/X2FG3LMFh7M?si=lnXR3QUjsXBrnfsW>
 - Video: <https://youtu.be/UK2dqT8zFnI?si=lbo1Te8ugOeh762I>

Supplement:

- Read Chapter 39

Class 24: Equal Protection III: Affirmative Action II (4/16/25)

- Students for Fair Admissions v. Harvard: [Supplement](#)
 - 444-460 (CJ Roberts Majority Opinion)
 - 476-479 (Part of Justice Thomas's concurrence)
 - 481-493 (Justice Sotomayor's dissent)
 - 499-501 (Part of Justice Jackson's dissent)

Class 25: Equal Protection IV: Sex Discrimination (4/21/25)

Textbook:

- Frontiero v. Richardson (1033-1039)
- Craig v. Boren (1039-1044)
 - Video: https://youtu.be/Z5X-fR1BzPI?si=QDd6g7wiJ_aG2iL-
- United States v. Virginia (1044-1057)
 - Video: https://youtu.be/KGxwatBhNiw?si=Z2Gcs_01wEh3u0P3
- Reading on United States v. Skrametti (To be posted)

Supplement:

- Read Chapters 40 and 41

Class 26: Substantive Due Process I (4/23/25)

Textbook:

- Protecting the Unenumerated Right of Privacy (1079-1081)
- Griswold v. Connecticut (1081-1097)

- Video: https://youtu.be/1SWoPEXapXs?si=GmYpxXUwXC8J1_UQ
- Roe v. Wade (1097-1109)
 - Video: <https://youtu.be/riB0RT3V6Co?si=p5s6iAaKPg4mrRep>
- Bowers v. Hardwick (1109-1116)

Supplement:

- Read Chapters 43 and 44

Class 27: Substantive Due Process II (4/28/25)

Textbook:

- Planned Parenthood v. Casey
 - 1125-1135 (Joint Opinion)
 - 1136-1137 (Part of Chief Justice Rehnquist's dissent)
 - 1140-42 (Part of Justice Scalia's dissent)
 - Video: <https://youtu.be/U-RhUPA92cw?si=w00q64YtFwLbkmmr>
- Washington v. Glucksberg (1117-1121, 1142)
- Lawrence v. Texas
 - 1157-1164 (Justice Kennedy's majority opinion)
 - 1169-1173 (Part of Justice Scalia's dissent)
 - 1173-74 (Justice Thomas's dissent)
 - Video: https://youtu.be/BrnSBFNAOb0?si=jgrKP_p2NVGSEg1P
- Obergefell v. Hodges
 - 1178-1185 (Justice Kennedy's majority opinion)
 - 1186-1190 (Part of Chief Justice Roberts's dissent)
 - 1193-1194 (Part of Justice Scalia's dissent)
 - Video: <https://youtu.be/WYSKNL4TRc4?si=rG-3xhwIxEWWQXvx>

Supplement:

- Read Chapters 45, 46, and 47

Class 28: Substantive Due Process III (4/30/25)

Textbook:

- Dobbs v. Jackson Women's Health Organization: [Supplement](#)
 - 591-621 (Justice Alito's majority opinion)
 - 625-628 (Chief Justice Roberts's concurrence)

- 628-649 (Joint Dissent)
- Video: <https://youtu.be/NsR3falTdgc?si=O5aS0UR-9Raci3tO>

Supplement:

- Read Chapter 48

Final Exam Review Session - 5/8/25 at 12:00 p.m.

Final Exam (5/10/25)

Learning Outcomes

By the end of the course, students should be able to:

- Define accurately the elements of the constitutional doctrines covered in the course
- Apply those doctrines to existing and new hypothetical circumstances
- Make effective legal arguments for different possible outcomes in those circumstances
- Discuss how different interpretive philosophies or forms of constitutional argument might cause different Justices to reach different outcomes on the same circumstances
- Evaluate doctrinal and policy arguments in support of such different outcomes
- Explain the concept of judicial review

Students with Disabilities

The Americans with Disabilities Act is federal antidiscrimination legislation providing comprehensive civil rights protection for persons with disabilities. South Texas College of Law is committed to providing a learning environment meeting the needs of all students; and to that end it provides reasonable accommodations to students who have physical, learning, mental, or other disabilities. If you believe you have a disability requiring an accommodation, please contact Assistant Dean Gena Singleton in the Office of Student Academic Affairs to discuss how your need for support services may be met. Her office is in Room 809, and you may contact her by telephone 713-646-1778 or email gsingleton@stcl.edu. All discussions will

remain confidential. Please note that accommodations cannot be provided retroactively. More information regarding the law school's Policy for Accommodating Law Students with Disabilities, including application deadlines, can be found in the Student Handbook.