

THE UNIVERSITY OF CHICAGO
Department of Political Science

Political Science 280
Introduction to the Constitution II

Spring, 1974
Mr. Storing

This is the second course of the three-quarter sequence dealing with the constitution of the United States. The focus will be on the text of the Constitution, and the form will be provided by the text. Supreme Court opinions and other materials will be considered principally as they illuminate the meaning of that text or attempt to resolve its ambiguities. During this quarter, Article III through VII and those portions of the amendments dealing with procedural rights will be considered. The final course in the sequence will be offered in the Winter of 1975 and will deal with the remaining protections of individual rights, particularly those in the first and fourteenth amendments. Each course is a prerequisite for the next.

The main readings will be The Federalist (Rossiter edition, Mentor); Edward S. Corwin's The Constitution and What It Means Today (13th ed), a provision-by-provision analysis of the Constitution; and Supreme Court opinions. Most of the opinions will be found in the assigned casebook, Gerald Gunther and Noel Dowling, Constitutional Law: Cases and Materials, 8th edition, and its 1973 Supplement. These are cited in the reading list with the Gunther & Dowling page references underlined, as follows: Colegrove v Green 328 US 549 (1946), GD 175-177. Page references in Gunther and Dowling often include additional notes and case discussions, which should be read along with the main case. Cases not in Gunther and Dowling will be found in the U.S. Reports; these citations are underlined thus: J.W. Hampton Co. v U.S. 276 US 394 (1928). Other assigned material is on reserve. Students may also wish to consult C. Herman Pritchett's The American Constitution.

E. S. Corwin, The Constitution and What It Means Today (13th ed) is to be read concurrently with the materials below.

Article III

Sec. 1

The Federalist #78, 79, 81

GD, ch 1; GDS 2 - 4

Marbury v Madison 1 Cr. 137 (1803)

Martin v Hunter's Lessee 1 Wheat 304 (1816)

Ex parte McCardle 7 Wall 506 (1869)

Sec. 2

The Federalist # 80-82

Amendment VII

Case or controversy - GD 67-85; GDS 5 - 6

Nashville C & St. L Ry v Wallace 288 US 249 (1933)

UPW v Mitchell 330 US 35 (1947)

Standing, GD 85-103; GDS 6-11

Tileston v Ullman 318 US 44 (1947)

Fast v Cohen 392 US 83 (1968)

State grounds and Sup Ct review, GD 108-116

Murdock v City of Memphis 20 Wall 590 (1875)

Discretionary exercise of jurisdiction, GD 142-174; GDS 13-25

Rescue Army v Municipal Court of LA 331 US 549 (1947)

Poe v Ullman 367 US 497 (1961)

Dombrowski v Pfister 380 US 479 (1965)

Political Questions, GD 174-198; GD 25-27

Amendment IV

Search and Seizure, GD 878-892; GDS 103-110

Mapp v Ohio 367 US 643 (1961)

Amendment V

Grand Jury, GD 898-9

Double Jeopardy, GD 916-919; GDS 123

Self-incrimination, GD 855-878

Miranda v Arizona 384 US 436 (1966); GDS 98-102

Amendment VI, VII, and Art III, sec 2(3)

Jury trial

James Wilson, Statehouse speech, 4 Oct 1787 (reserve)

The Federalist #83

GD 897-8, 899-916; GDS 112-123

Right to counsel, GD 841-852; GDS 95-97

Powell v Alabama 287 US 45 (1932)
Gideon v Wainwright 372 US 335 (1963)

Amendment VIII

Bail, GD 923-924

Cruel and Unusual Punishment, GD 919-923; GDS 124-134

Furmon v Georgia 418 US 238 (1972)

Article III, Cont

Sec 3.

Cramer v US 325 US 1 (1945)

Article IV

Sec. 1. Full faith and credit

Sec 2(1) Privileges and immunities

GD 771-755; GDS 76

Corfield v Coryell 4 Wash CC 371 (US circ Ct, S.D. Penna 1925)
Toomer v Witsell 334 US 385 (1948)

Sec 2(2) Interstate rendition

GD 775-776

Sec 2(3) Fugitive slave clause

Prigg v Pennsylvania 16 Pet 539 (1842)

Sec 3

The Federalist # 43 (273-4)

Dred Scott v Sanford 19 How (1857), Commager, I, 339-45

Sec 4

The Federalist # 43 (274-78)

Luther v Borden 7 How 1 (1849)

Article V

The Federalist, # 43 (278-79)

National Prohibition Cases 253 US 350 (1896)

Article VI

Sec 1

The Federalist # 43 (278)

Sec 2

Lincoln, First Inaugural, 1861, Commager, I, 385-88
The Federalist #27 (176-177), 34 (204-5), 39 (245), 44 (286-7)

McCulloch v Maryland 4 Wheat 316 (1819) GD 201-214
Martin v Hunter's Lessee 1 Wheat 304 (1816), GD 32-49
Cohens v Virginia 6 Wheat 264 (1821), Commager, I, 228-32

Sec 3

The Federalist # 27 (177), 44 (287)
[Ex parte Garland 4 Wall 333 (1819)]

Article VII

The Federalist # 39 (243-44)