

PSC 411Z
The Supreme Court and Capitalism
WRI 212C
Monday-Friday, 9:40-11:10 AM

Professor Jerry Simich
Office: Wright B-218
Office Hours: Monday-Thursday
11:15-12:00 PM & by appointment
Phone: 895-1337 or 279-4556

The Course

A cases and materials approach to the role of the U.S. Supreme Court in economic-related decisions. It will cover the Commerce and Taxing and Spending powers, the Contract(s) Clause, Economic Substantive Due Process and the Takings Clause.

The Text

Please purchase Lee Epstein and Thomas G. Walker, Constitutional Law for a Changing America: Institutional Powers and Constraints, 5th edition.

Articles on E-Reserve

Prologue

Chief Justice Marshall

Chief Justice Taney

Mr. Justice Field

All from Wallace Mendelson, Capitalizing Democracy and the Supreme Court

Disability Resource Center

If you have a documented disability that may require assistance, you will need to contact the LES for coordination in your academic accommodations. Disability Service is located within the Learning Enhancement Service (LES), in the Reynolds Student Services Complex, Room 137. The phone number is 702-895-0866 or TTD 702-895-0652.

Academic Dishonesty

Any attempt to cheat on an examination or to present someone else's work as your own for a written assignment will be subject to the most severe penalty the University allows.

Religious Holidays and Absences

If you miss a class or exam because of a religious holiday that you observe, you will have the opportunity to make up the missed work. You must notify the instructor at least 2 weeks prior to the examination.

Official Extracurricular Activity

If the date of any of the examinations conflicts with an official extracurricular activity, notify the instructor at least 2 weeks prior to the examination and provide official written notification no less than 1 week prior to the examination.

Topics, Cases, Assignments and Exam Dates

I. Legislative Power

McCulloch v. Maryland (1819) 151, 327

U.S. v. Curtis-Wright (1936) 176, 259

II. Executive Power

Youngstown Sheet & Tube v. Sawyer (1952) 307

Dames & Moore v. Regan (1981) 312

III. The Commerce Power

Gibbons v. Ogden (1824) 408

Hammer v. Dagenhart (1918) 341

U.S. v. E.C. Knight (1895) 414

Northern Securities Co. v. U.S. (1904) Handout

Stafford v. Wallace (1922) 418

Schechter Poultry v. U.S. (1935) 425

Carter v. Carter Coal Co. (1936) 430

NLRB v. Jones and Laughlin Steel Co. (1937) 435

U.S. v. Darby (1941) 345

Wickard v. Filburn (1942) 443

Champion v. Ames (1903) 460

Heart of Atlanta Motel v. U.S. (1964) 464

Cooley v. Board of Wardens (1852) 468

So. Pacific v. Arizona (1945) 473

Hurt v. Washington State Apple Advertising Commission (1977) 476

Maine v. Taylor (1986) 479

Crosby v. National Foreign Trade Council (2000) 392

Exam #1 covers all cases and materials above, Sections I-III, Tuesday, June 13th

IV. The Power to Tax and Spend

Pollock v. Farmers' Loan and Trust (1895) 489

U.S. v. U.S. Shoe Corporation (1998) 494

McCray v. U.S. (1904) 504

Bailey v. Drexel Furniture Co. (1922) 507

U.S. v. Butler (1936) 511

Steward Machine Co. v. Davis (1937) 516

V. The Contract(s) Clause

Fletcher v. Peck (1810) 545

Dartmouth College v. Woodward (1819) 550

Charles River Bridge v. Warren Bridge (1837) 555

Stone v. Mississippi (1880) 561

Home Building and Loan v. Blaisdell (1934) 564

U.S. Trust v. New Jersey (1977) 568

Allied Structural Steel v. Spannaus (1978) 571

Exam #2, Sections IV-V, Monday June 26th

VI. Economic Substantive Due Process

The Slaughterhouse Cases (1873) 579

Munn v. Illinois (1877) 586

Allgeyer v. Louisiana (1897) 592

Lochner v. New York (1905) 595

Muller v. Oregon (1908) 601

Adkins v. Children's Hospital (1923) 607

Nebbia v. New York (1934) 610

West Coast Hotel v. Parrish (1937) 615

Williamson v. Lee Optical (1955) 619

BMW of North America v. Gore (1996) 620

Exam #3, Section VI, Friday June 30th

VII. The Takings Clause

U.S. v. Causby (1946) 630

Penn Central Transportation Co. v. City of New York (1978) 633

Berman v. Parker (1954) 638

Hawaii Housing Authority v. Midkiff (1984) 640

Nollan v. California Coastal Commission (1987) 645

Lucas v. South Carolina Coastal Commission (1992) 647

Dolan v. City of Tigard (1994) 652

City of New London v. Kelo (2005) Handout

Final Exam, Section VII, Friday July 7th