First Class (Weds 1/13 or Thurs 1/14, depending on your section):

I. A BRIEF SNAPSHOT OF FOURTEEN CRITICAL YEARS IN CONSTITUTIONAL HISTORY.

Text, p. 29 (second paragraph starting with “Immediately after …”) – top. p. 36 (end of the carry-over paragraph). Why did the country switch from the Articles of Confederation to the Constitution? What are some of the major differences in the documents? What was the “Great Compromise”? What were some other important compromises? What was a “Federalist” (vs. an Anti-Federalist) in 1789, compared to 2016? What might all of this tell you about “THE” intent of “THE” “Founders”/“Framers”? Do you know (from prior studies or life in general) of any other “Critical” Stages in the development of the Constitution (or constitutional interpretation)?

II. THE CONSTITUTIONAL ROLE OF THE FEDERAL JUDICIAL BRANCH.

A. INTRODUCTION.

P. 45 – top p. 51.

B. JUDICIAL REVIEW.

1. Marbury v. Madison. The “sine qua non” of the American system of Constitutional Law. (Well, this case, combined with stare decisis, which is not universally accepted internationally, btw.) Know this case by name. We start today, finish in class two.

   a. Introduction and Context.

      Bottom p. 51 – middle p. 53. As is frequently the case in this course, the historical context of a case is critical to understanding what happened.

   b. The Marbury case and notes. This case should be read at least twice!

      1) The case. Bottom p. 53 – top p. 63. Also, read Art. III, §1, the first 10 words (!); Art. III, §2, cl. [2]; and Art. VI, cl. [2]. (The Constitution is at the back of the text.)

Second Class (Thurs 1/15 or Fri 1/16, depending on your section) Finish Marbury, plus:

2) Notes pp. 63-66, except n. 7.

   2. Judicial Review by the United States Supreme Court of State Cases, including the “Adequate and Independent State Grounds” Doctrine.

      a. In general.

      Note 7, pp. 65 – 66; Cooper and pre-and-post notes, pp. 66 – 69.