

CONSTITUTIONAL LAW I

(Prof. Williams)

READING ASSIGNMENT FOR FIRST DAY OF CLASS TUESDAY, JANUARY 11th

For the first day of class, read and be ready to discuss the cases and note materials on pages 1-20 in the casebook (Choper, Dorf, Fallon & Schauer, Constitutional Law: Cases, Comments, Questions (13th ed. 2019)). Read (and re-read) Marbury v. Madison with particular care, and also please read Federalist No. 78 (from any edition of the Federalist Papers).

Questions to be ready to discuss in class: What questions does Marshall answer before turning to the question of judicial review? What is the scope of the Supreme Court's original jurisdiction according to Congress? According to the Constitution? What is the legal effect of a federal statute that conflicts with the Constitution? Why should it be the judiciary that determines what the Constitution means? According to Marshall? According to Hamilton? For either Marshall or Hamilton, does Congress or the President (or States) retain any interpretive authority regarding the Constitution? To what extent?