January 22

**Introduction: Law and Consequences**

S.C. AG's Office on Law of State Seal
85 - 102: *Steelworkers v. Weber*
*King v. Burwell; Zarda v. Altitude Express*

January 29

**Classical Theories of Law and Courts**

Thomas Aquinas, Questions on Law (*Summa* excerpts)
Thomas Hobbes, *Leviathan*, Ch. 13, 17, 26 (excerpts)
John Austin, *Province of Jurisprudence Determined* (excerpts)
John Locke, *Second Treatise*, §134-142, 199, 201 - 204

February 5

**Older American Theories**

*The Federalist*, No. 78; *MT, "On Postage Rates"
Joseph Story, *Discourse on Inauguration as Dane Professor*
*Riggs v. Palmer*
135 - 152 (esp. *Holy Trinity Church, Caminetti v. U.S.)*

February 12

"**Legal Process**" Theory and the Textualist Challenge

164 - 183 (esp. *Shine, Locke, Jacob*)
197 - 203 (*TVA v. Hill*); 214 - 31 (*Bock Laundry*);
24 - 38 ("How Bill Comes Fed Law")
Scalia, *Matter of Interpretation* (excerpt)

February 19

**Textual Canons**

48 - 78 ("Approaches to Legislation" - skim)
259 - 73 (*U.S. v. Marshall*)
851 - 855 (textual canons)
February 26  
**Foundational Canons**

Lenity: 366 -80 (*McBoyle, Muscarello*)
*U.S. v. Chambers; Pasquantino v. U.S.*
Judgment of Nuremberg Tribunal
G. Radbruch, “Statutory Lawlessness”

March 4  
**Substantive Canons and Controversy**

Avoidance: 391 - 404 (*Witkovich, Catholic Bishop*)
Federalism: 406 - 26 (*Ashcroft, BFP*)
426 – 38, 439 - 42 (Llewellyn, Sunstein, Minn. Statute)
The Federalist No. 40, No. 41 (last 5 ¶s)

March 18  
**Extrinsic Sources – Legislative History**

459 – 79 (*Leo Sheep, Blanchard*);
486 - 92 (*Carr*); 497 - 510 (*Pepper*); 512 - 17 (*Kosak*)
858 - 859 (extrinsic legislative sources)

March 25  
**Extrinsic Sources – Background Law**

443 - 458 (*Smith v. Wade*); 115 - 124 (*Flood v. Kuhn* )
524 - 40 (*Montana Wilderness, MW II*);
856 - 57 (continuity); 859 - 64 (Const. based canons)
864 – 867 (common law canons)

April 1  
**Extrinsic Sources – Parallel Provisions**

564 – 887 (*Cartledge, Lorillard, Ridgway, Zerbe, Morton*)
865 – 867 (Statute-based, General, Process Canons)
Vienna Conv. on the Law of Treaties, Arts. 18, 19, 31, 32
*Roper v. Simmons*
How to Analyze a Statute (past exam hypothetical)

April 8  
**Statutory Implementation in the Administrative State**

644 – 654 (skim); 667 - 81, 686 - 93 (skim);
655 - 664 (*Cort, Cannon, Thompson, Franklin, Davis*)
*Trump v. Hawaii*
April 15  
**Bounds of Judicial Deference**
715 – 753 (*GE v. Gilbert, Chevron, MCI, Mead*)
282 – 292 (*FDA v. Brown & Williamson*)
867 - 70 (Specific Statutory Subject Areas)

April 22  
**Exceptions to Judicial Deference**
755 – 788 (charts, *Gonzalez, Coeur Alaska*)
804 – 815 (*Geier, Wyeth*)
817 – 822 (*Hamdan*); 823 - 31 (chart)  
*Encino v. Navarro; Dept. of Commerce v. N.Y.*