

**Constitutional Law I**  
**Scalia Law School | George Mason University**  
**Spring 2026**  
**LAW 121 | CRN 20219 |**  
**4 credit hours**

**This course will meet remotely on Tuesdays (6:05 p.m. – 8:05 p.m.)  
and in-person on Thursdays (6:05 p.m. – 8:05 p.m.).**

**Instructor:** Distinguished Visiting Professor Daniel W. Hamilton

**Office:** Hazel Hall, Room 311

**Email:** dhamil2@gmu.edu

**Office Hours:** Tuesdays and Thursdays 3-5 pm or by appointment. My office is in Hazel Hall, Room 311.

**Course Overview:** This course is about the interpretation and application of the United States Constitution, and the structure of American government. We will explore the landmark cases over the course of U.S. history that drive our understanding of the Constitution. In particular, we will focus on the way the Constitution and courts consider the allocation of power between the branches of the federal government, and between the federal government and the states. Constitutional interpretation has changed over time, and we will examine both historical and contemporary debates over the meaning and application of the Constitution.

Learning objectives for the course include:

- Learning the legal doctrine of the structure and application of the U.S. Constitution.
- Considering how Constitutional interpretation has changed over time.
- Understanding the competing perspectives on various issues decided by court decisions interpreting the Constitution.
- Developing the ability to debate Constitutional questions with evidence.

**Required Text:** The following is a required textbook for the course:

Choper, Jesse H.; Dorf, Michael C.; Fallon, Jr., Richard H.; Schauer, Frederick, Constitutional Law: Cases, Comments, and Questions (West Academic Publishing, 14th ed., 2023)

Note: You can find supplemental materials to the casebook [here](#).

The course will have a TWEN page. You will see in the syllabus that excerpts from contemporary cases are referenced. Those will be available on the TWEN page before the classes meet.

**Class Format:** The class meets remotely on Tuesdays from 6:05 p.m. – 8:05 p.m. and in-person on Thursdays from 6:05 p.m. – 8:05 p.m. Please read all of the assigned material and be prepared for active class discussion.

**Communication Policy:** In addition to office hours, I'm glad to respond to student emails within 24 hours. You should also feel free to email me on nights and weekends.

**Attendance:** Students are expected to attend class. Per the law school's attendance policy, a student is not eligible to receive credit for a class if they miss more than 20 percent of the class sessions. For a class like this, that meets once a week, this means a student may not miss more than three classes.

**Grading:** The grade in this course will be based exclusively on the final exam. The final exam will be in-person and open book with respect to any printed or physical materials you want to bring in for the exam. You may also use the internet except for generative AI. *The use of generative AI during the exam is strictly prohibited.*

The final exam is scheduled for XXXX XX on XXX X, 2026.

**Student with Disabilities:** Students with disabilities may request academic accommodations as provided by federal law. Please contact George Mason University's Office of Disability Services (ODS) to request services (ods@gmu.edu, 703-993-2474).

**Campus Closure or Emergency Class Cancellation/Adjustment Policy:** If the campus closes, or if a class meeting needs to be canceled or adjusted due to weather or other concern, students will be contacted by email for updates on how to continue learning and for information about any changes to events or assignments.

**CLASS 1 (January 15): Constitutional Structure / Judicial Review (Part I)**

**Reading Assignment:**

- The Constitution of the United States 1751-1766
- *Marbury v. Madison*, pp. 1-9
- Notes, pp. 11-13, 18-20
- *Cooper v. Aaron*, pp. 20-21

**CLASS 2 (January 20): Judicial Review (Part II)**

**Reading Assignments:**

- *United States v. Windsor*, pp. 22-23
- Notes, pp. 23-26
- *Martin v. Hunter's Lessee*, pp. 26-30

**CLASS 3 (January 22): Congressional and Presidential Regulation of Judicial Power**

**Reading Assignments:**

- Notes, pp. 52-53
- *Ex parte McCordle*, pp. 54-55
- *United States v. Klein*, pp. 57-58
- Notes, pp. 55-57
- Notes, pp. 59-62
- *Boumediene v. Bush*, pp. 62-63
- Notes, pp. 63-65, 66-69
- Recent proposals for reform (class discussion)

**CLASS 4 (January 27): Prerequisites to Federal Jurisdiction and Judicial Review/Standing**

**Reading Assignments:**

- Notes, pp. 69-72, 1685-1686
- Correspondence of the Justices, pp. 1687-1688
- Notes, pp. 1689-1690
- *Allen v. Wright*, pp. 1690-1697
- *Lujan v. Defenders of Wildlife*, pp. 1708-1713

**CLASS 5 (January 29): National Legislative Power: The Necessary and Proper Clause and the Commerce Clause**

**Reading Assignments:**

- Notes, pp. 73-76
- *McCulloch v. Maryland*, pp. 76-80
- Notes, pp. 83-84
- *Gibbons v. Ogden*, pp. 84-86
- *FDA v. Alliance for Hippocratic Medicine*: <https://www.oyez.org/cases/2023/23-235>

**CLASS 6 (February 3): The Commerce Power II**

**Reading Assignments:**

- *Hammer v. Dagenhart*, pp. 92-94
- Notes, pp. 94-98
- *United States v. Darby*, pp. 98-101
- Notes, pp. 101-103
- *Wickard v. Filburne*, pp. 103-104

**CLASS 7 (February 5): The Commerce Clause and Civil Rights**

**Reading Assignments:**

- *Heart of Atlanta Motel, Inc. v. United States*, pp. 106-107
- *Katzenbach v. McClung*, pp. 107-108
- Notes, pp. 109-110
- New Limitations of the 21<sup>st</sup> Century
  - *United States v. Morrison*, pp. 110-121

**CLASS 8 (February 10): The Commerce Clause Continued**

**Reading Assignments:**

- *Gonzales v. Raich*, pp. 121-126
- Notes, pp. 126-131
- *National Federation of Independent Business v. Sebelius*, pp. 131-139
- Notes, pp. 139-143

**CLASS 9 (February 12): Regulation Through Taxing and Spending**

**Reading Assignments:**

- *National Federation of Independent Business v. Sebelius* (Part II), pp. 143-145
- Notes, pp. 146-148
- *South Dakota v. Dole*, pp. 152-155
- *National Federation of Independent Business v. Sebelius* (Part III), pp. 157-160

**CLASS 10 (February 17): Foreign Affair Powers and Treaties: State Immunity**

**Reading Assignments:**

- *Missouri v. Holland*, pp. 160-162
- Notes, pp. 162-164
- *Bond v. United States*, pp. 163-164
- State Immunity from Federal Regulation – Notes, pp. 165-170

**CLASS 11 (February 19): Federalism, the 10<sup>th</sup> Amendment, and State Sovereignty**

**Reading Assignments:**

- *Garcia v. San Antonio Metropolitan Transit Authority*, pp. 170-174
- Notes, pp. 174-176
- *Printz v. United States*, pp. 176-182
- *Murphy v. National Collegiate Athletic Association*, pp. 185
- Notes, pp. 185-186

**CLASS 12 (February 24): Separation of Powers and the War Power**

**Reading Assignments:**

- *Youngstown Sheet and Tube Co. v. Sawyer*, pp. 187-193
- Notes, pp. 193-201
- *United States v. Curtiss-Wright Export Corp.*, pp. 201-202
- *Campbell v. Clinton*, pp. 207-212
- Notes, pp. 212-216

**CLASS 13 (February 26): Separation of Powers (Part II)**

**Reading Assignments:**

- Notes, pp. 216-222
- Legislative and Line Item Veto  
○ *INS v. Chadha*, pp. 223-226
- Notes, pp. 226-228
- *Clinton v. New York*, pp. 229-233
- Notes, pp. 233-235

**CLASS 14 (March 3): Separation of Powers (Part III)**

**Reading Assignments:**

- Appointment and Removal of Officers, Notes pp. 235-238 (please read up to *Buckley*)
- *Morrison v. Olsen*, pp. 243-249
- Notes, pp. 249-251
- *NLRV v. Canning*, pp. 260-261
- Excerpts from *United States of America v. Trump*
  - <https://theconversation.com/trump-appointed-federal-judge-rules-trumps-classified-document-case-is-unconstitutional-heres-how-special-counsels-have-been-authorized-before-234763>
  - <https://www.justsecurity.org/97747/trump-docs-case-dismissed/>

**CLASS 15 (March 5): Course Review & Discussion**

**Reading Assignments:**

- None

**SPRING BREAK MARCH 9 - MARCH 15**

**CLASS 16 (March 17): Executive Privilege, Impeachment and Presidential Immunity**

**Reading Assignments:**

- *United States v. Nixon*, pp. 261-263
- Notes, pp. 263-266
- *Nixon v. Fitzgerald*, pp. 266-267
- Impeachment, Notes, pp. 275-279
- *Trump v. United States*
  - <https://www.oyez.org/cases/2023/23-939>
  - [https://constitution.congress.gov/browse/essay/intro.9-2-12/ALDE\\_00013898/](https://constitution.congress.gov/browse/essay/intro.9-2-12/ALDE_00013898/)

**CLASS 17 (March 19): The State Power to Regulate: The Dormant Commerce Clause**

**Reading Assignments:**

- Notes, pp. 281-285
- *Philadelphia v. New Jersey*, pp. 294-296
- Notes, pp. 297-299, 310-312
- *Hunt v. Washington State Apple Advertising Commission*, pp. 312-313

**CLASS 18 (March 24): The Dormant Commerce Clause (Part II)**

**Reading Assignments:**

- *Minnesota v. Clover Leaf Creamery Co.*, pp. 314-315
- *Healy v. Beer Institute, Inc.*, pp. 322-324
- Regulation of Transportation, pp. 327
- *Kassel v. Consolidated Freightways Corp.*, pp. 327-332
- Notes, pp. 332-332

**CLASS 19 (March 26): Dormant Commerce Clause (Part III)**

**Reading Assignments:**

- The State as a Market Participant
  - *Reeves, Inc. v. Stake*, pp. 341-344
- Notes, pp. 347-348
- Interstate Privileges and Immunity Clause
  - *United Building and Construction Trades Council v. Mayor of Camden*, pp. 348-352
- Notes, pp. 352-356

**CLASS 20 (March 31): State Action**

**Reading Assignments:**

- Notes, pp. 1605-1606
- The Civil Rights Cases, pp. 1606-1608
- Notes, pp. 1608-1610
- Notes, pp. 1612-1614
- State Enforcement and *Shelley v. Kramer*, pp. 1625-1627
- Notes, pp. 1627-1628

- State Failure to Act and *DeShaney v. Winnebago County Dept. of Social Services*, pp. 1642-1644

**CLASS 21 (April 2): The Political Question Doctrine and Gerrymandering**

**Reading Assignments:**

- Notes, pp. 31-32
- *Nixon v. United States*, pp. 32-37
- Notes, pp. 37-38
- *Rucho v. Common Cause*, pp. 42-49
- Notes, pp. 49-52

**CLASS 22 (April 7): Congressional Enforcement of Civil Rights**

**Reading Assignments:**

- Notes, pp. 1647-1648
- Notes, pp. 1651
- *Jones v. Alfred H. Mayer Co.*, pp. 1651-1654
- Notes, pp. 1654-1660
- *Katzenbach v. Morgan*, pp. 1660-1664

**CLASS 23 (April 9): Congressional Enforcement of Civil Rights (Part II)**

**Reading Assignments:**

- *City of Boerne v. Flores*, pp. 1664-1669
- Notes, pp. 1669-1672
- Section Five and State Sovereign Immunity
  - Notes, pp. 1672-1676

**CLASS 24 (April 14): Congressional Enforcement of Civil Rights (Part III)**

**Reading Assignments:**

- The Fifteenth Amendment
  - *Shelby County v. Holder*, pp. 1677-1681
- Notes, pp. 1681-1684

**CLASS 25 (April 16): Judicial Review (Part III)**

**Reading Assignments:**

- Mootness
- *DeFunis v. Odegaard*, pp. 1726-1728
- Notes, pp. 1728-1732
- Ripeness
  - *United Public Workers v. Mitchell*, pp. 1732-1736

**CLASS 26 (April 21): Course Review and Final Exam Discussion**