

Constitutional Studies  
The Hughes Court  
Fall 2010

Syllabus

September 22: The Crisis of 1936-37

Jeff Shesol, *Supreme Power: Franklin Roosevelt v. the Supreme Court* (2010)  
Barry Cushman, *Rethinking the New Deal Court* (1998), Part II – pp. 45-107

September 29: Civil Liberties – The First Amendment Prior to 1937

*Herndon v. Lowry*, 301 U.S. 242 (1937)  
*Near v. Minnesota*, 283 U.S. 697 (1931)  
Glenda Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (2008), ch. 4, pp. 157-200

October 6: Civil Rights – Race Prior to 1937

*Powell v. Alabama*, 287 U.S. 45 (1932)  
*Nixon v. Condon*, 286 U.S. 73 (1932)  
James Goodman, *Stories of Scottsboro* (1994)

October 20: Administrative Law I

Felix Frankfurter, *The Public and Its Government* (1930)  
James Landis, *The Administrative Process* (1938)  
Selected cases

October 29: Administrative Law II

*United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304 (1936)  
*Schechter Poultry Co. v. United States*, 295 U.S. 495 (1935) [discussion of non-delegation doctrine only]  
Peter Irons, *The New Deal Lawyers* (1982), ch. 5, pp. 86-107, and ch. 11, pp. 226-253

November 3: After 1937

*Palko v. Connecticut*, 302 U.S. 319 (1937)  
*United States v. Carolene Products*, 304 U.S. 144 (1938)  
*Minersville School Dist. v. Gobitis*, 310 U.S. 586 (1940)  
Louis Lusky, “Footnote Redux: A Carolene Products Reminiscence,” 82 *Colum. L. Rev.* 1093 (1982)