

PLSC 471: American Constitutional Law

Final Examination Study Guide – Fall 2025

Case List

These are cases you will be expected to know well; i.e. recall the general facts of the case, have a thorough understanding of the majority and (where applicable) minority opinion(s), state the doctrine set forth in the case and its importance, and be able to integrate the case into the law preceding and following it. Please note that you are responsible for other cases on the syllabus as well, but not to the same degree of detail as those listed here. The study guide for the midterm exam is available [here](#).

Federalism

- *McCulloch v. Maryland* (1819)
- *Scott v. Sanford* (1857)
- *National League of Cities v. Usery* (1976)
- *Garcia v. San Antonio Metropolitan Transit Authority* (1985)
- *New York v. U.S.* (1992)
- *Printz v. U.S.* (1997)

The Commerce Clause

- *Gibbons v. Ogden* (1819)
- *U.S. v. E.C. Knight Company* (1895)
- *Schechter Poultry Corporation v. U.S.* (1935)
- *NLRB v. Jones & Laughlin Steel Company* (1937)
- *U.S. v. Lopez* (1995)
- *Gonzales v. Raich* (2005)
- *National Federation of Independent Business v. Sebelius* (2012)

Taxation and Spending

- *Pollock v. Farmers Loan & Trust Company* (1895)
- *Bailey v. Drexel Furniture Co.* (1922)
- *U.S. v. Butler* (1936)
- *Steward Machine Co. v. Davis* (1937)
- *NFIB v. Sebelius* (2012) (again)

Substantive Due Process and Economic Rights

- *Loan Association v. Topeka* (1875)
- *Lochner v. New York* (1905)
- *Adkins v. Children's Hospital* (1923)
- *Nebbia v. New York* (1934)
- *West Coast Hotel v. Parrish* (1937)

The Takings Clause

- *Penn Central Transportation Company v. City of New York* (1978)
- *Hawaii Housing Authority v. Midkiff* (1984)
- *Nollan v. California Coastal Commission* (1987)
- *Kelo v. City of New London* (2005)

Concepts

These are key concepts for you to know and understand for the exam.

- Dual Federalism
- Cooperative Federalism
- Supremacy Clause
- 10th Amendment
- Commerce Clause
- “Direct Effect” (viz. commerce)
- “Channels” / “Instrumentalities” of commerce
- “Rational Basis” scrutiny
- Dormant Commerce Clause
- Selected Exclusiveness
- Preemption (of state laws)
- Import Tax
- Direct Tax
- Indirect Tax
- 16th Amendment
- General Welfare Clause
- Procedural Due Process
- Substantive Due Process
- (State) Police Powers
- Right to Contract
- Business Affected with a Public Interest
- Takings Clause
- Public Use Clause
- Regulatory Takings

Example Questions

These are some example essay questions, of the sort that may appear on the final exam.

1. Using examples of Court eras and cases decided, explain the differences between dual and cooperative federalism. Which view of federalism do you find most compelling, and why?
2. The state power to tax is inextricably intertwined with the federal government’s power to control interstate commerce. Using examples from Supreme Court cases, explain how the U.S. Supreme Court has reconciled Congress’ commerce power with states’ power to tax goods and services within their borders. What is the current state of this relationship?
3. Suppose the U.S. Congress passed a law banning shipment across state lines of clothing and other goods manufactured in Ohio State Scarlet. If the law were challenged on the grounds that it exceeded Congress’s powers under the Commerce Clause, how would Chief Justice Marshall likely rule? How about the justices of the Warren Court (1950s-1960s)? How about those on the current Roberts Court?
4. Using examples from the cases you have read, as well as from the Constitution, explain the differences between procedural due process and substantive due process. Which type of due process do you think the framers meant to include in the 5th and 14th Amendments? Why?
5. Explain the expansion and contraction of the Court’s Takings Clause jurisprudence from early cases like *Causby* through more recent ones like *Dolan* and *Darby Development Company*. What are the major changes that took place in the Court’s focus and reasoning during the second half of the twentieth (and first quarter of the 21st) centuries?
6. Imagine that former Chief Justices Marshall and Roberts were both sitting on the same Supreme Court (circa 2025), deciding cases on the separation of powers, federalism, the Commerce Clause, and the like. In your essay, describe their interactions on the bench. On what issues would they agree, and when would they disagree? Why? Be sure to draw upon specific examples to support your conclusions.