

AMERICAN CONSTITUTIONAL LAW: STRUCTURE AND RECONSTRUCTION

CASES, NOTES, AND PROBLEMS
Third Edition

Charles A. Shanor

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AMERICAN CONSTITUTIONAL LAW: STRUCTURE AND RECONSTRUCTION

CASES, NOTES, AND PROBLEMS

Third Edition

By

Charles A. Shanor

*Professor of Law
Emory University*

AMERICAN CASEBOOK SERIES®

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*To Susan
and my children,
Amanda, Rick, and Leigh*

*

*Whose love and support
made this book possible*

*

PREFACE

AMERICAN CONSTITUTIONAL LAW: STRUCTURE AND RECONSTRUCTION (THIRD EDITION)

This book began years ago with the arrival of the latest edition of the constitutional law casebook I had been using. Already bloated, it had just become 300 pages worse. I knew it would drive students to the outlines, but found no better casebook on the market. So I began assembling my own materials.

Editing and organizing the core cases, I tried not to shred them to snippets, hide them among cites to marginal cases, bury them under references to academic commentators, or order them eccentrically. My priority was to let the Justices speak who authored the opinions, concurrences, and dissents. Terse notes, providing context and perspective, came next, along with problems encouraging students to apply the cases in sophisticated and innovative ways—much as they would be required to do as lawyers. Finally, I added more user-friendly transitional materials, a couple of longer notes, the quotes that open each chapter, and relevant images adding a touch of humor, human interest, or perspective.

This third edition includes cases and materials through today's date, and contains some organizational tweaking and tighter editing. Chapter III, Distribution of National Powers, has a new section titled "Congress, President, Court and War." Chapter IV has been revamped as Congress's Article I Powers, with their Tenth and Eleventh Amendment limits, while Chapter V now deals only with federalism's limits on the states. The Fourteenth Amendment enforcement powers are now Chapter X and the state action materials are consolidated in the introductory chapter on the Reconstruction Amendments. Finally, the Review Problems previously located at the end of individual chapters have been grouped together for ease of end-of-term study in Appendix C.

Despite my efforts, some students will complain that the material is difficult. All I can say is that I hope the result—a deeper understanding of and ability to work within the fundamental legal framework of the Constitution of the United States of America—is worth the effort.

I appreciate the confidence and suggestions of colleagues, here and elsewhere, who have supported this book and I thank Emory Law School for funding research assistants over the years, editions, and supplements. These students include Athanasios Agelakopoulos, Adam Cearley, Ellie Feldman, John Flippen, Ken Franklin, Chris Fritsch, Gene Hayes, Alisa Huturon, Shane Keith, Susan Lin, Dan Lipner, Thomas Mondelli, Steve Paolini, Helen Silver, and Emily Wessman.

Finally, this third edition would not have been possible without the diligent professionalism of Rhonda Westbrook, who made the manuscript camera-ready with unfailing good humor. All errors of substance or style are mine alone.

Charles A. Shanor
Atlanta, GA.
July 14, 2006

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