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## PREFACE

Constitutional law presents special challenges to authors and to students tackling it for the first time. It is a complex and sophisticated subject with many varied aspects. Part of the complexity comes from the longevity of the Constitution and the necessity of it being durable for over two centuries. Over that time, constitutional law has adapted to national developments in values and morals and is by turns carried along by or struggles against political, social, cultural, and economic currents. The Constitution is a living document that must be interpreted as new challenges are presented.

This book provides a basic introduction to constitutional law, excluding constitutional criminal procedure. It includes most of the canonical cases and is mostly organized in the standard way with chapters and sections divided along subject matter lines like the commerce clause, equal protection, freedom of expression, and so on.

Despite its largely traditional structure, this book differs from other constitutional law textbooks in several respects. First it includes a chapter that brings together many of the most important nineteenth century cases, chapter 2. Chapter 2 introduces students to enduring themes of constitutional law including (1) separation of powers and the role of the judiciary; (2) federalism; (3) methods of constitutional interpretation and methods of constitutional legal reasoning; and (4) the role of race in constitutional adjudication. These major themes are threaded throughout the rest of the text. Studying these older cases demonstrates that these modern concerns in fact have been issues throughout the history of constitutional adjudication. Chapter 2 also introduces a few pieces of constitutional doctrine including judicial review, *Marbury v. Madison*, 5 U.S. 137 (1803), early Commerce Clause cases, e.g., *Gibbons v. Ogden*, 22 U.S. 1 (1824), and the meaning of the Necessary and Proper Clause, *McCulloch v. State of Maryland*, 17 U.S. 316 (1819). Each of these subjects are revisited and addressed more substantively and formally in later chapters.

The structure of the bulk of the book is as follows:

*Part II Federal Power*

- Judicial Power
- Congressional Power
- Executive Power

*Part III State Power and the Federal Constitution*

*Part IV Liberty, Rights, and Equality*

This book has several special features. Each chapter concludes with a black letter outline of the doctrine presented in that chapter. This reduces the need for students to refer to outside sources to learn the doctrine and speeds up learning constitutional law doctrine thereby allowing more time to focus on other aspects of constitutional law including underlying constitutional principles and policies such as federalism and liberty.

Each chapter also includes numerous hypotheticals to test the student's knowledge of doctrine and to reinforce learning it. Answers are provided online. These hypotheticals, for the most part, have clear answers and are not designed to stretch students abilities but rather to develop and reinforce basic ones. More advanced and difficult problems are included in the teachers manual for use in class.

Each chapter also includes exam tips for the subjects introduced in that chapter. These are designed to spark thought about how the doctrine can be tested. The point is less about developing tricks for taking tests than about learning to think about the doctrine in a less rote way than just reviewing a doctrinal outline.

An uncommon feature is the use of international or foreign law as a foil to highlight certain attributes of U.S. law that otherwise could too easily be taken for granted. Short comparisons to international and foreign law also emphasize that the U.S. approach is not the only approach possible and helps open up discussion.

This book will provide the student with the knowledge necessary to enable them to advise clients confronting constitutional problems. It does not provide all of the answers, but it does provide an approach, a framework, by which to understand the Constitution as it changes over time, including into the future—your future as lawyers.

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