



The Supreme Court and the Constitutional Structure (University Casebook Series)

Ernest Young

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This casebook reflects the way that Constitutional Law is taught in contemporary law schools. Most schools no longer attempt to offer a comprehensive survey course; rather, they offer an introduction to the subject that omits topics like the First Amendment and frequently focuses on issues of constitutional structure. The basic idea of this book is to conform the casebook more closely to the subjects actually covered in most introductory constitutional law courses. The book also tries to capture the best of both topical and historical arrangements.

This book makes no attempt at comprehensive coverage. It combines a historical approach in the first half of the book with a very thorough doctrinal treatment of structural questions in the second. The book departs from most other casebooks in the field by offering longer cuts of fewer key cases, rather than trying to treat every significant case. The underlying theory is that the justices are considerably less cryptic when one includes a greater proportion of their explanations, and that the extra reading load is more than offset by the decrease in confusion.

This book is divided into two principal parts. The first offers a general survey of judicial review, arranged as a history of the U.S. Supreme Court from *Marbury* to *Bush v. Gore*. This history accomplishes several goals: It presents an overall picture of the institution of judicial review as it has evolved over our history; it introduces the basics of a number of rights issues (e.g., equal protection and race, due process and privacy) not covered elsewhere in the course; and it exposes students to different theoretical approaches to constitutional interpretation. The second half of the book presents an in-depth doctrinal study of federalism and separation of powers, arranged topically and with particular emphasis on current law.

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