

CASES AND MATERIALS
ON FEDERAL
CONSTITUTIONAL LAW

Volume I
*Introduction to Interpretive
Methods & Introduction to
the Federal Judicial Power*

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Modular Casebook Series

CASES AND MATERIALS ON FEDERAL CONSTITUTIONAL LAW

Volume I
Introduction to Interpretive Methods &
Introduction to the Federal Judicial
Power

Thomas H. Odom

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Dedication

For MIG: Friend, mentor, and outstanding role model.

Acknowledgments

I would like to thank Dickinson School of Law and Pennsylvania State University for their financial support. I am indebted to my students whose daily interaction with me and the materials provide the impetus for constant improvement.

The hard work of numerous research assistants is reflected in this collection, notably: Michael Lynch, Justin Pickens, Chris VanLandingham, and Brian McMorrow.

Without the loving support of Janet, this project would not have been completed.

All remaining errors and omissions are my own.

Preface to the First Edition

Technological improvements permit the compilation of resources in a manner unthinkable when I was a law student. Materials that permit further examination of assigned reading can be delivered in a cost-effective manner and in a format more likely to be useful in practice than reams of photocopies. The associated DVD-ROM contains full, searchable text of several of the most important resources for interpreting the Constitution, lowering the wall between doctrinal courses and research courses.

With regard to assigned reading, there is no good reason to burden students with stacks of hand-outs or expensive annual supplements. Publication through the *Modular Casebook Series* virtually ensures that even very recent developments may be incorporated prior to publication. Moreover, if important cases are decided after publication of the latest edition of the volume, they will be included on the DVD-ROM. Cases and materials that shed additional light on matter in the hard copy casebook are also included.

I welcome comments from readers so that I may make further improvements in the next edition of this publication.

THO

TECHNICAL NOTE FROM THE EDITOR

The cases and other materials excerpted in this volume have been edited in an effort to enhance readability. Case citation forms have been revised to include the year of decision and reference to the volume number of the United States Reports. Many citations to secondary sources have been expanded to include the full names of authors or editors, and to reference the date of publication. Citations of multiple cases for a single proposition have been shortened in many places to reference only one or two prominent authorities.

In some places archaic language or spelling has been revised.

Headings were added to some of the longer decisions to permit ease of reference to various parts of the opinion. Such headings may also assist the reader in identifying a transition from one point to another.

None of these changes were intended to substantively alter the original materials.

With the exception of one or two cases per Volume, cases have been edited to a length suitable for reading as a single assignment. In order to achieve that result, many interesting but tangential points have been omitted. The length of some opinions also hindered the inclusion of excerpts from concurring or dissenting opinions. Where such opinions have been omitted, it is noted in the text. These omissions are not intended to present a biased view of the doctrine under review. In most instances, a subsequent case will present significant points raised by the omitted concurring and dissenting opinions. Any remaining unintentional bias is solely the responsibility of the editor.

THO

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