Casebook: Sullivan, Constitutional Law (15th ed.) (unidentified p. numbers are cites to this book).

Introduction

I. Constitutional text
   The text, A-1 - A-15 (make sure you have a good sense of what is where)

II. The Justices
   The Justices and their appointment, B-1 - B-6 (when was John Marshall appointed and by whom? When was Roger Taney on the Court? The two Justices John Marshall Harlan? Who appointed Earl Warren? Note how comparatively few changes have been made in recent decades. When was the last appointment to the Court?)

III. The casebook
   To survey the territory we will cover, look through the Summary of Contents for Parts I and II (old ed. pp. vii -viii) and then the Table of Contents (old ed. pp. xi-xiii)

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   B. Theory of judicial review 15-16 (to n. 4); 19-20 (n. 5)
   C. Supreme Court authority 21-24 (n. 1); Cooper 26-28 (n. 3)

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      Mootness/ripeness 69-71
   C. State court judgments
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   B. U.S. Term Limits 110-18, nn.118-22
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   C. Swift 129 (1st Par. n. 5)
   D. Lottery Case (Champion) & Hipolite 130-31 (thru 1st par.)
   E. FDR 134-35 (1st par. of n. 8), 139-41 (n. 9)

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   C. Wickard, Wirtz, Hodel 146-49 (n. 1)

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   C. Morrison 173-778

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      Hibbs 215 (n. 6).

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     and by localities: Dean Milk 269-72, n. 1 272
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   B. Legislative/executive officers
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      Morrison 410-16
IV. Executive privilege / immunity
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1. Assume that UGA Law School has a Loan Forgiveness Fund that awards education loan repayment funds to selected UGA Law graduates who accept law-related jobs in low-paying public interest service. Eligibility is restricted to grantees who accept jobs within the state and who are or plan to be Georgia citizens. Do the restrictions raise any constitutional questions?

2. The Agriculture Committee of the state legislature is considering a bill that would provide:

   No onions identified as “Vidalia” or “sweet” onions shall be sold in or shipped out of this state unless they have been certified by the Georgia Department of Agriculture as having been grown in the “Vidalia District” [defined as composed of six, listed central-south Georgia counties].

   A lobbyist for the Texas Onion Growers Association tells the committee that some members of the organization she represents grow and market “Vidalia,” “Sweets” and “Texas Sweets” onions. She tells the committee that, if the bill becomes law, her organization will seek from federal district court a declaratory judgement that the measure is unconstitutional. The chair of the committee asks your professional legal advice about the legality of the present wording of the bill and what, if anything, should be done about it.

   Would it make a difference if you discover that the Department of Agriculture has a Partnership in Growth with the Georgia Vidalia Onion Growers Association through which the state provides low-cost business loans to Vidalia onion growers, state farm markets for the sale of their product, a website for internet sales, and a media consultant for the organization?

3. Attached are copies of parts of a Georgia statute governing the shipment of wines by wineries to consumers. What is your judgment about their constitutionality?

Section 3-6-32. Shipment of wine by winery to consumers; circumstances.

(a) Notwithstanding any other provision of this title to the contrary, a winery located within this state or outside this state that holds a federal basic wine manufacturing permit, whether licensed under this title or not and without regard to brand or label registrations or designations of wholesalers pursuant to Code Section 3-6-22, shall be permitted to ship wine directly to consumers in this state for personal or household use under the following circumstances:

   (1) The consumer must purchase the wine while physically present on the premises of the winery;

   (2) The winery must verify that the consumer purchasing the wine is of the age required by Code Section 3-3-23 and is not licensed pursuant to this title; and

   (3) No winery shall ship in excess of five cases of any brand or combination of brands to any one consumer or any one address in this state in any calendar year.

(b) The commissioner may promulgate such rules and regulations as are necessary and appropriate for the enforcement of this Code section. (Code 1981, § 3-6-32, enacted by Ga. L. 2000, p. 1401, § 2.)

Section 3-6-22. Requirement of license for shipment of wines into state; contents of application; accompanying documents and labels; approval of wholesalers and wholesalers’ territories by commissioner.

(a) No shipper shall be permitted to ship wines into this state without first obtaining a proper license from the commissioner in the manner provided in this article.

(b) In addition to the bond required in Code Section 3-6-21 and such other documentation required by the commissioner pursuant to this title, each shipper shall:

   (1) Submit with his application one label for each brand of wine to be shipped for the first time by the shipper into this state;

   (2) Designate in the application for registration the sales territories for each of its brands sold in this state; and

   (3) Name one licensed wholesaler in each territory who shall be the exclusive distributor of the brand within the territory.

(c) Designations of wholesalers and wholesalers’ territories as provided in this Code section shall be initially approved by the commissioner and shall not be changed or initially disapproved except for cause. The commissioner shall determine cause after a hearing under regulations promulgated by the commissioner for such purposes. (Code 1933, § 58-809, enacted by Ga. L. 1977, p. 1516, § 1; Code 1933, § 5A-5505, enacted by Ga. L. 1980, p. 1573, § 1.)