

**PSC 318-01: Constitutional Law**  
**Fall 2009**  
**Tuesday and Thursday, 12:30 pm – 1:45 pm**  
**Graham 209**

**Instructor & Office Hours:**

**Dr. Susan Johnson**  
**Office: 233 Graham**  
**Office Hours: 2-3 pm Tuesdays**  
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**Course Catalog Description:**

Case-method approach to the most important aspects of constitutional law regarding separation of powers, federalism, and economic regulation. Emphasis on importance of historical eras to the evolution of these cases, and current reassessment.

**Student Learning Outcomes:**

- To practice the skill of reading and analyzing written judicial opinions.
- To become familiar with the U.S. Constitution and its interpretation by the U.S. Supreme Court.
- To explore the division of power among the federal branches of government.
- To explore the relationship between the federal government and the states.
- To explore individual rights of representative government and economic liberty.

**Required Texts:**

O'Brien, David M. 2008. *Constitutional Law and Politics: Volume One – Struggles for Power and Governmental Accountability*. W.W. Norton: 7<sup>th</sup> edition.

**Course Requirements:**

|                     |     |
|---------------------|-----|
| Class participation | 10% |
| Eight (8) briefs    | 15% |
| Exam 1              | 25% |
| Exam 2              | 25% |
| Exam 3              | 25% |

**Class Participation:**

Students are expected to regularly attend class and participate in discussion. This means that students should be prepared each class period to be called upon to answer questions relevant to the reading. Quality is more important than quantity in my evaluation of class participation. Class participation may also occasionally consist of assigned discussion questions for the following class period or a pop quiz, at the instructor's discretion.

**Case Briefs:**

In order to adequately prepare for class, students should brief all of the assigned cases. Doing so will make studying for the exams much easier.

Eight (8) case briefs (of the students' choice) are required to be turned in during the semester. It is up to the student to keep up with the number of briefs turned in and ensure that all eight (8) briefs are turned in by the last regular class period. Class briefs are due the day that the case is assigned, as indicated on the schedule. Late briefs will not be accepted. **ONLY HARD**

(PAPER) COPIES OF ASSIGNMENTS WILL BE ACCEPTED. \*Cases that students may choose from are listed on the course schedule in **bold-faced** type.

**Exams:**

Three in-class exams will be held during the semester. Exams will consist of multiple choice and/or short answer and essay questions. Success on these examinations will require a thorough understanding of the reading assignments and class discussions/lectures.

**Late briefs/Missed exams**

Students are expected to turn briefs in on time and be present to take the exams at their scheduled times. Only in extraordinary circumstances will make-up opportunities exist. Students must notify me PRIOR to the missed exam or brief with a valid excuse and must be prepared to provide credible evidence (such as a written doctor's note) of the excuse. Excuses for late briefs and missed exams after the fact will not be allowed, resulting in a failing grade for the missed brief and/or exam. It is the instructor's sole discretion to determine whether or not an excuse is acceptable.

Make-up exams will be scheduled for the same day, time and place for everyone. I will announce the make-up exam time in class. Students will be allowed to make-up only one (1) exam during the semester.

**Academic Honor Code:**

I expect all students in this course to abide by both the letter and spirit of the university's academic integrity policy. Violations of the policy will be prosecuted according to the policy outlined in the undergraduate bulletin.

**Students with Special Needs:**

Students with special needs should contact the instructor during the first week of class. I will make every effort to accommodate the needs of students with special requirements.

**Grading Scale:**

|            |            |
|------------|------------|
| A (93-100) | C (73-76)  |
| A- (90-92) | C- (70-72) |
| B+ (87-89) | D+ (67-69) |
| B (83-86)  | D (63-66)  |
| B- (80-82) | D- (60-62) |
| C+ (77-79) | F (0-59)   |

**Assigned Readings:**

Students are expected to complete the assigned reading before class and be prepared to discuss the assigned cases.

**Course schedule:**

Minor adjustments to the reading schedule may be made depending on how quickly material is covered. Students are responsible for keeping up with any schedule adjustments that are announced in class or on blackboard. **\*Cases listed in bold-faced may be briefed for credit. Cases are due the date we will be discussing them in class. Eight (8) cases must be briefed by the end of the semester to receive full credit.**

## Tentative Schedule

| <b>Date</b> | <b>Topic/Assignment</b>   |
|-------------|---|
| 8/25        | Introduction  |
| 8/27        | Overview of U.S. judicial system; The Constitution; Judicial Interpretation<br>Constitution exercise  |
| 9/1         | Judicial Review – <i>Marbury v. Madison</i><br>How to brief cases   |
| 9/3         | <b>No class</b>   |
| 9/8         | Jurisdiction – <i>Lujan v. Defenders of Wildlife</i> , <i>Baker v. Carr</i> , <i>Walter Nixon v. U.S.</i><br>(ch. 5, p. 537)  |
| 9/10        | President in Foreign Affairs – <i>U.S. v. Curtiss-Wright</i> , <b><i>Dames &amp; Moore v. Regan</i></b> ,<br><i>Missouri v. Holland</i> , <i>U.S. v. Pink</i>       |
| 9/15        | <i>U.S. v. Alvarez-Machain</i> , <i>Prize cases</i> , <i>Ex Parte Milligan</i> , <b><i>Korematsu v. U.S.</i></b>  |
| 9/17        | <i>Rasul v. Bush</i> , <b><i>Hamdi v. Rumsfeld</i></b> , <i>Hamdan v. Rumsfeld</i>  |
| 9/22        | President in Domestic Affairs – <b><i>Youngstown Sheet v. Sawyer</i></b> , <i>NY Times v. U.S.</i> ,<br><i>Morrison v. Olson</i> .                                  |
| 9/24        | <i>INS v. Chadha</i> , <b><i>Clinton v. New York</i></b> , <i>U.S. v. Nixon</i> , <i>Clinton v. Jones</i>   |
| 9/29        | Wrap-up and review  |
| <b>10/1</b> | <b>EXAM I</b>   |
| 10/6        | Congress: <i>Powell v. McCormack</i> , <b><i>U.S. Term Limits Inc. v. Thornton</i></b><br>Investigatory Powers – <i>Watkins v. U.S.</i> , <i>Barenblatt v. U.S.</i> |
| 10/8        | Classic Congressional Powers – <b><i>McCulloch v. Maryland</i></b> , <i>Gibbons v. Ogden</i><br>Commerce Clause – <i>U.S. v. E.C. Knight</i>                        |
| 10/13       | <b>Fall Break</b>   |
| 10/15       | <i>Hammer v. Dagenhart</i> , <i>NLRB v. Jones &amp; Laughlin Steel</i> , <i>U.S. v. Darby Lumber</i> ,<br><b><i>Wickard v. Filburn</i></b>                          |
| 10/20       | <i>Heart of Atlanta Motel v. U.S.</i> , <b><i>U.S. v. Lopez</i></b> , <i>U.S. v. Morrison</i>   |
| 10/22       | <b><i>Gonzales v. Raich</i></b> , <i>Gonzales v. Oregon</i>   |
| 10/27       | Taxing & Spending: <i>Steward Machine v. Davis</i> , <b><i>South Dakota v. Dole</i></b>   |

- 10/29 Federalism: *Cooley v. Board of Wardens*, *Southern Pacific v. Arizona*, ***Bibb v. Navajo Freight Lines***, *Maine v. Taylor*
- 11/3 10<sup>th</sup> & 11<sup>th</sup>: *Garcia v. San Antonio Metro*, ***New York v. U.S.***, *Printz v. U.S.*
- 11/5 *Seminole Tribe of FL v. FL*, *Alden v. Maine*, ***Nevada Dept of HR v. Hibbs***
- 11/10 Wrap-up and review
- 11/12 EXAM II**
- 11/17 Voting: ***SC v. Katzenbach***, *Wesberry v. Sanders*, *Reynolds v. Sims*
- 11/19 Reapportionment: *Shaw v. Reno*, *Hunt v. Cromartie*, ***Bush v. Gore***
- 11/24 Contract clause: ***Fletcher v. Peck***, *Trustees of Dartmouth v. Woodward*, *Charles River Bridge v. Warren Bridge*, *Home Building & Loan v. Blaisdell*
- 11/26 **Thanksgiving Day**
- 12/1 Liberty of Contract: *Slaughterhouse cases*, *Munn v. Illinois*, ***Lochner v. NY***, *Muller v. Oregon*, *West Coast Hotel v. Parrish*
- 12/3 Takings Clause: *Hawaii Housing v. Midkiff*, *Lucas v. SC Coastal Council*, ***Kelo v. City of New London***
- 12/10 EXAM III ( Noon – 3pm)**