

PSC 303: Constitutional Law

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Course Website: <http://cLboyd.net/psc303.html>

Office: 422 Park Hall

Office Hours: Mondays: 1:00-2:00, Wednesdays: 9:00-10:00, and by appointment (please email)

Fall 2009; MWF: 11:00-11:50

Location: 107 Talbert Hall

Course Description:

In this course, we will learn about the history of the Constitution, the role of the Supreme Court (and other courts) in interpreting the Constitution, and the powers given by the Constitution (as interpreted by the Court) to the different branches of the federal government and the states. The primary sources for learning about this material will be through case law and supplementary materials based on that case law.

Grading:

10% - Participation

25% - Test 1

30% - Test 2

35% - Test 3

Your participation grade is based on volunteering and being called on during class as well as being asked to report back to the class on current events or mini-research projects. The participation grade is not zero-sum and is indirectly related to your attendance. Your participation score will suffer if you are caught surfing the internet, texting, tweeting, sleeping, or engaging in other activities which, at the discretion of the instructor, are deemed to be disruptive and/or inconsistent with appropriate classroom behavior.

The exact format for the exams will be announced well ahead of their scheduled dates. The exams will test material from your readings and from lectures. With very few exceptions and unless otherwise noted, exams will NOT be cumulative.

Grading Scale:

A:	94-100
A-:	90-93
B+:	88-89
B:	84-87
B-:	80-83
C+:	78-79
C:	74-77
C-:	70-73
D+:	68-69
D:	64-67
D-:	60-63
F:	< 60

Grade Complaints: Students believing that a non-arithmetic based grading error has been made on a non-objective (non-multiple choice question) should type a short, formal memo (no longer than one page) explaining in specific detail why a higher grade is warranted. Upon such a request, the student's entire test will be regraded, meaning that the score has the potential to be adjusted in an upward or downward direction.

Makeup Exams: Makeup Exams are only permitted in extraordinary circumstances such as documented medical emergencies.

Academic Integrity: Please see UB's extensive policies on academic honesty. Be aware that all exams will be heavily monitored and that under no circumstances will cheating be tolerated.

Course Evaluations: Please complete the online course evaluation at the end of the semester. Your constructive evaluation of the course and my teaching will enable me to improve the course in the future. If you complete the course evaluation and turn in the receipt that is provided to you by UB for doing so, you will be given 1 percentage point of extra credit on your final exam (e.g., a 90% on the final exam will be bumped up to a 91%).

Course Materials:

Book: (E/W) Lee Epstein and Thomas G. Walker. 2007. *Constitutional Law for Changing America: Institutional Powers and Constraints*, 6th ed. Washington, D.C.: Congressional Quarterly Press.

Other readings may be distributed by the instructor and/or made available on the course website.

Schedule: (Note: schedule is approximate, assignments may be adjusted during the course of the semester depending on how fast or slow we move. Pay attention in class and on the web for details.)

Note: All assigned reading is to be conducted prior to the class for which it is listed. You should focus your reading on the cases listed in italics.

Introduction & Judicial Review

8/31 Introduction to course

9/2 Current court events, case briefing, social science research

Assignment: Handouts TBA

9/4 Introduction to Constitutional Law

Assignment: E/W pgs 3-12

9/7 Labor Day – No Class

9/9 American legal system

Assignment: E/W pgs 13-25

9/11 Constitutional Interpretation

Assignment: E/W pgs 25-37

9/14 Politics, the Supreme Court, and Decision Making

Assignment: E/W pgs 37-52

9/14 Judiciary/role in constitutional democracies

Assignment: E/W pgs 55-61; Handout TBA

9/16 Judicial Review (*Marbury*)

Assignment: E/W pgs 62-79

9/18 Judicial Review cont. (*Martin, Eakin*)

Assignment: E/W pgs 79-94

9/21 Constraints on Judicial Power (*Ex Parte McCardle, Hamdan*)

Assignment: E/W pgs 94-100

9/23 Constraints on Judicial Power (Justiciability: *Baker, Nixon*)

Assignment: E/W pgs 100-115

9/25 Constraints on Judicial Power (Standing: *Flast*)

Assignment: E/W pgs 115-126

9/28 Yom Kippur – No Class

9/30 Exam 1

Legislature, Executive & Separation of Powers

Legislature

- 10/2 Introduction, Congressional Authority Over Internal Affairs (*Powell*)
Assignment: E/W pgs 127-139
- 10/5 Congressional Authority Over Internal Affairs (*U.S. Term Limits, Gravel*)
Assignment: E/W pgs 139-153
- 10/7 Sources and Scope of Legislative Powers (*McCulloch*)
Assignment: E/W pgs 153-162
- 10/9 Sources and Scope of Legislative Powers (*McGrain, Watkins, Barenblatt*)
Assignment: E/W pgs 162-178
- 10/12 Sources and Scope of Legislative Powers; Congress and Constitutional Interpretation (*Curtis-Wright Export, Katzenbach*)
Assignment: E/W pgs 178-191

Executive

- 10/14 Introduction (*Bush*)
Assignment: E/W pgs 192-204
- 10/16 The Faithful Executive of Laws; Domestic Powers (*Neagle, Clinton*)
Assignment: E/W pgs 204-219
- 10/19 Domestic Powers (*Morrison, Myers, Humphrey's Executor*)
Assignment: E/W pgs 219-239
- 10/21 Domestic Powers (*Nixon, Johnson, Nixon*)
Assignment: E/W pgs 239-252
- 10/23 Domestic Powers; Foreign Policy (*Clinton, Grossman, Murphy, Curtis-Wright Export*)
Assignment: E/W pgs 252-267

Separation of Powers

- 10/26 Domestic Powers (*Misretta, Chadha, Bowsher*)
Assignment: E/W pgs 268-287
- 10/28 Presidential Power During War and National Emergencies (*Prize Cases, Milligan*)
Assignment: E/W pgs 287-300
- 10/30 Presidential Power During War and National Emergencies (*Quirin, Korematsu, Youngstown*)
Assignment: E/W pgs 300-317
- 11/2 Presidential Power During War and National Emergencies (*Dames, Hamdi, Hamdan*)
Assignment: E/W pgs 317-336

11/4 Exam 2

Nation-State Relations & Economic Liberties

11/6 No Class

Federalism

11/9 Nation-State Relations: The Doctrinal Cycle (*McCulloch, Scott*)

Assignment: E/W pgs 339-360

11/ 11 Nation-State Relations: The Doctrinal Cycle (*Hammer, Darby Lumber, Garcia*)

Assignment: E/W pgs 360-378

11/13 Nation-State Relations: The Doctrinal Cycle; Eleventh Amendment (*NY v. U.S., Printz, Alden*)

Assignment: E/W pgs 378-399

11/16 New Judicial Federalism; National Preemption of State Laws (*Long, Holland, Crosby, Nelson, Pacific Gas*)

Assignment: E/W pgs 399-423

Commerce Power

11/18 Constitutional Foundations of the Commerce Power; Defining Interstate Commerce (*Gibbons, Knight, Stafford*)

Assignment: E/W pgs 424-438

11/20 The Supreme Court and the New Deal (*Schechter Poultry, Carter Coal*)

Assignment: E/W pgs 438-452

11/23 The Supreme Court and the New Deal (*NLRB, Wickard*)

Assignment: E/W pgs 453-464

11/25-11/27 Thanksgiving/fall recess – no class

11/30 The Supreme Court and the New Deal (*Lopez, Morrison, Gonzalez*)

Assignment: E/W pgs 465-482

12/2 Regulating Commerce as a Federal Police Power; Commerce Power of the States (*Heart of Atlanta Motel, Southern Pacific, Taylor, Granholm*)

Assignment: E/W pgs 482-509

Economic Substantive Due Process

12/4 Development of Substantive Due Process (*Slaughterhouse Cases, Munn*)

Assignment: E/W pgs 565-567; 601-617

12/7 Development; Roller-Coaster Ride (*Allgeyer, Lochner, Muller*)

Assignment: E/W pgs 617-632

12/9 The Heyday of Substantive Due Process; The Decline (*Adkins, Nebbia*)

Assignment: E/W pgs 632-640

12/11 The Decline; Contemporary Relevance (*West Coast Hotel, BMW*)

Assignment: E/W pgs 640-651

Exam period - TBA: Exam 3