Political Science 303 Constitutional Law

MWF 1-1:50pm Fall 2013

Instructor: Mr. Blackley Office: 419 Park 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.

**Course Expectations:**

By the end of the semester, students are expected to:

1. Understand the historical and political factors that influence Supreme Court decisions and the design of the constitution.

Method of assessment: Exam 1 and 2, quiz 1 and 2

1. Be able to independently read and brief court cases, clearly summarizing the court’s reasoning and case outcome.

Method of assessment: Homework 1, 2, 3

1. Demonstrate knowledge of the reasoning on all sides of a legal dispute.

Method of assessment: Exam 1 and 2, quiz 1 and 2

1. Understand the changes in Constitutional law doctrine over time and why doctrine changes.

Method of assessment: Exam 1 and 2, quiz 1 and 2

1. Knowledge of and ability to use various methods of constitutional interpretation.

Method of assessment: Exam 1 and 2, quiz 1 and 2

**Required Text:** Constitutional Law and Politics, Eighth Edition, Volume 1  
by David M. O'Brien ISBN: 978-0-393-93549-3

**Important Dates**

Monday September 2nd, No Class, Labor Day Holiday

Tuesday September 3rd, Last day to Drop/Add Courses

**Wednesday October 16th, Exam One**

Friday November 8th, Last Day to Resign Classes

Wednesday November 27th- December 1st, No Class, Fall Recess

Friday December 6th, Last day of classes

TBA Final Exam Date

**Grading**

2 Exams- total of 70 percent of the course grade

2 Quizzes- total of 20 percent of the course grade

3 Homework’s- total of 10 percent of the course grade.

Exams: There will be two exams. One will occur during finals week at a time assigned by the university during final exam week. The other will be held on October 16th during class time.

Quizzes: There will be two quizzes. Each will be worth 10 percent of your grade.

Homework checks: At three random times during the semester I will require you to upload to ublearns a completed case brief for the next class. This homework will be 10 percent of the grade.

**Make Up Policy:** Exams and quizzes can only be made up for up for the following reasons: *religious observances, illness documented by a physician or other appropriate health care professional, conflicts with university-sanctioned activities documented by an appropriate university administrator, public emergencies, and documented personal or family emergencies.* *The student is responsible for notifying the instructor in writing with as much advance notice as possible. In non-emergencies such as religious observances or university sanctioned activities, advance notice to the instructor is required.*

Legitimate excuses to miss an exam/quiz DO NOT include: missing an exam due to a planned vacation, a non-emergency family event such as a graduation, or simply not knowing/forgetting when the exam is and failing to attend. If you do not have a legitimate excuse for missing an exam/quiz as defined in italics above, you will receive a grade of “F” for that exam/quiz.

**Attendance and Participation:** It is entirely at the discretion of students to decide whether to attend class on a given day. It is the responsibility of students who miss class to keep up with missed notes and assignments from missed lectures.

**Academic Integrity:** Please see UB’s extensive policies on academic honesty (<http://undergradcatalog.buffalo.edu/policies/course/integrity.shtml>).

**Classroom Etiquette:** Students are expected to follow the University Classroom Conduct regulations. Additional information regarding classroom etiquette is available at www.student- affairs.buffalo.edu/judicial/classroom.pdf

**Students with disabilities policy:** The Americans with Disabilities Act (ADA) is a federal statute that provides comprehensive civil rights protection for persons with disabilities. This legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring accommodation, please notify me immediately.

**Reading Assignments**: Since the amount of time devoted to each case will vary there are no specific class dates associated with each reading assignment. I will assign reading at the end of each class for the next session. Virtually all the reading will be from the assignment list below, and it comes from the O’Brien text unless otherwise noted. Note: We may not cover every assignment on this list.

Class Topic cases covered Reading Pages

|  |  |  |
| --- | --- | --- |
| Overview and Judicial power | How to Brief a case  Overview of U.S court system- structure of the courts, basic terms used by courts, history of the system)  Marbury v. Madison,  Flast v. Cohen  Baker v. Carr | Case Briefing Instructions (Ublearns)  P100-126  P45-55  P130-136  P149-160 |
| Presidential Power 1 | U.S. v. Curtis-Wright  Dames & Moore v. Regan  Missouri v. Holland  Goldwater v. Carter  The Prize Cases  Ex parte Milligan  Korematsu v. U.S.  Rasul v. Bush  Hamdan v. Rumsfeld  Hamdi v. Rumsfeld  Boumediene v. Bush | P239-242  P242-248  p252-255  p160-164  P288-292  P292-298  P298-307  P307-312  Ublearns  Ublearns  P312-330 |
| Presidential Power 2 | Youngstown Sheet & Tube v.  Sawyer  New York Times v. U.S.  Myers v. U.S.  Humphrey's Executor v. U.S. Bowsher v. Synar  Morrison v. Olson  Schechter Poultry Corp. v. U.S. INS v. Chadha  Clinton v. City of New York  U.S. v. Nixon  Clinton v. Jones | P353-368  P368-379  P385-396  P396-399  P399-408  P408-425  P434-439  P442-452  P452-463  P470-482  P482-487 |
| congressional power 1 | Powell v. McCormack,  U.S. Term Limits v. Thornton, Gravel v. U.S.,  Eastland v. U.S. Servicemen's Fund,  Hutchinson v. Proxmire,  Watkins v. U.S.,  Barenblatt v. U.S.,  Walter L. Nixon v. U.S. | P496-501  P501-508  P508-513  ublearns  P513-515  P520-528  P528-535  P541-543 |
| congressional power 2 | McCulloch v. Maryland,  Gibbons v. Ogden,  U.S. v. E.C. Knight,  Hammar v. Daggenhart,  NLRB v. Jones & Laughlin,  U.S. v. Darby Lumber Co.,  Wickard v. Fiburn,  Heart of Atlanta Motel v. U.S.,  Katzenbach v. McClung,  U.S. v. Lopez,  Reno v. Condon,  City of Boerne v. Flores,  U.S. v. Morrison,  Gonzales v. Raich  National Federation of Independent Business v. Sebelius  Steward Machine Company v. Davis  South Dakota v. Dole | P557-67  P568-73  P580-585  P585-589  P595-601  P602-605  P606-609  P609-618  P618-630  P630-631  P634-643  P644-656  P656-665  Handout on ublearns  673-677  677-680 |
| Federalism | Cooley v. Board of Wardens, Southern Pacific Co. v. Arizona,  Bibb v. Navajo Freight Lines, Maine v. Taylor,  Pennsylvania v. Nelson,  Garcia v. SAMTA,  New York v. U.S.,  Printz v. U.S.,  Seminole Tribe v. Florida,  Alden v. Maine,  Martin v. Hunter's Lessee,  Cooper v. Aaron | P698-703  P703-706  P706-709  P709-711  P711-715  P744-757  P757-762  P763-773  P773-782  P782-789  P805-809  P809-812 |
| Voting rights and gerrymandering | South Carolina v. Katzenbach, Gomillion v. Lightfoot,  Wesberry v. Sanders,  Reynolds v. Sims,  Vieth v. Jubelirer,  Shaw v. Reno,  Hunt v. Cromartie,  Bush v. Gore,  Buckley v. Valeo,  Federal Election  Commission v. NCPAC,  Rutan v. Republican Party of Illinois,  Shelby County v. Holder | P844-851  P866-868  P868-874  P874-880  P881-892  P892-898  P898-905  P918-929  P929-939  P939-943  P986-992  Ublearns Handout |
| Economic Liberties | Fletcher v. Peck,  Dartmouth College v. Woodward,  Charles River Bridge v. Warren Bridge,  Home Building & Loan v.  Blaisdell,  U.S. Trust Co. of New York v. New Jersey,  the Slaughterhouse Cases,  Munn v. Illinois,  Lochner v. New York,  Muller v. Oregon,  West Coast Hotel v. Parrish, Hawaii Housing Authority v.  Midkiff,  Lucas v. South Carolina Coastal Council,  Kelo v. New London, Conn | P1012-1015  P1016-1029  P1020-1026  P1027-1032  P1034-1037  ublearns  P1056-1058  p1058-1064  p1064-1067  p1067-1070  p1076-1079  p1079-1084  p1084-1093 |