

Oxford College of Emory University
Pol. Sc. 352 Constitutional Law
Syllabus

Seney 310
M, W 3:30-4:45
Fall 2010
Prerequisite: Pols 101 (& 100 rec.)

William B. Cody, J.D., Ph.D.
Seney 115-A
Phone: 784-8444
Hours: M, W 10-11:30
Tu, Th 1-2
& by appointment.

COURSE OBJECTIVES:

This course is intended to introduce the student to the basics of American Constitutional Law. Particular attention will be devoted to the doctrine of judicial review, the constitutional roles and limitations of the president and Congress, the constitutional aspects of the federal system, and the constitutional provisions relating to representative government and democracy in the United States. It is fundamentally a course on the United States Supreme Court and its interpretation of the Constitution as that document relates to the governing of America.

TEXTS:

Bolt: *A Man for All Seasons* (Vintage)
Corwin: *The "Higher Law" Background of American Constitutional Law* (Liberty Fund)
Mason & Stephenson: *American Constitutional Law*, 15th Ed. (Prentice-Hall)
McCloskey: *The American Supreme Court*, 4th Ed. (Chicago)

Black's Law Dictionary (West), Any edition (recommended)

COURSE REQUIREMENTS:

Two announced in-class tests will be given during the course of the semester. These tests will be given during regular class periods and will count for a total of 40% of the student's final grade. Any unexcused absence from a test will result in a grade of zero for that test. The scheduled dates for these tests are **October 4** and **November 15**. A comprehensive final examination is scheduled for **7:00-10:00 on December 9, 2010**. The final exam will count for 35% of the student's final grade. In addition, there will be not fewer than five unannounced quizzes. The average on these quizzes will count for 15% of the student's final grade. These quizzes may be given on any scheduled class day. The remaining 10% of the student's final grade will be based upon the quality of that student's participation in class discussion. Since this is a law course, a variation of the so-called "Socratic method" will be used: questions concerning the assigned material will be asked by the professor and answered by students on both a volunteer and non-volunteer basis. All students should be prepared to be called on in any class! All examinations, tests, and quizzes are cumulative. The requirements listed above are comprehensive and inclusive--no "extra credit" will be allowed.

PERSONAL COMMUNICATION DEVICES AND OTHER SOURCES OF CLASS DISTURBANCE

Cell phones, pagers, computers, and beepers are not permitted in my classroom unless they are completely turned off! In the event that any personal communication device or other device causes a disturbance by making its presence known (audibly or otherwise), the possessor of the device may be asked to leave the room immediately and will be counted absent from the class for that day.

MAKE-UP WORK:

An unexcused absence from any quiz, test, or examination will result in the grade of zero for that quiz, test or examination.

ATTENDANCE:

Students are expected to attend class on a regular basis. Students are also expected to arrive for class on time. Students who are not in class are unable to participate in discussion and take quizzes. In addition, students who miss more than three classes will lose the benefit of the doubt in the calculation of his or her final grade.

HONOR CODE:

It is assumed that all students are aware of the Honor Code (See pages 103-106 of the 2008-2009 Catalog of Oxford College). The Honor Code is always in force! Read it and be familiar with it. When in doubt, ask first!

ASSIGNMENTS:

A tentative outline of the class schedule for the entire semester is attached. Unless otherwise notified in class, students should complete the reading assignments for each chapter by the first day scheduled for discussion of that chapter on the outline. The reading assignments listed below may be modified from time to time or supplemented with additional photocopied case materials supplied in class.

GRADES:

Oxford College's Optional Plus-Minus Grading Scale (as described on pages 87-88 of the Catalog 2009-2010 of Oxford College) will be used in determining grades for this class.

**THE COURSE SYLLABUS PROVIDES A GENERAL PLAN FOR THE COURSE;
DEVIATIONS MAY BE NECESSARY.**

TENTATIVE OUTLINE OF THE CLASS SCHEDULE

Aug. 25:	Introduction
Aug. 30:	Bolt (all); M & S, Ch. One
Sept. 1:	Corwin, pp. 1-85 + McCloskey (chapter 1; read McCloskey through p. 264 by Oct. 14)
Sept. 6:	LABOR DAY. NO CLASS.
Sept. 8, 13, 15:	M & S, Ch. Two ["Unstaged Debate," <i>Calder v. Bull</i> (342), <i>Marbury v. Madison</i> , <i>Eakin v. Raub</i> , (<i>Scott v. Sandford</i>), <i>Baker v. Carr</i> (203), <i>City of Boerne v. Flores</i> , "Unstaged Debates"]
Sept. 20, 22, 27, 29:	M & S, Ch. Three [<i>Mistretta v. U.S.</i> , <i>INS v. Chadha</i> , <i>Clinton v. City of New York</i> , <i>Watkins v. U.S.</i> , <i>Barenblatt v. U.S.</i> , <i>U.S. v. Nixon</i> , (<i>Nixon v. Fitzgerald</i>), (<i>Clinton v. Jones</i>), <i>Myers v. U.S.</i> , <i>Humphrey's Executor v. U.S.</i> , <i>Morrison v. Olson</i> , <i>U.S. v. Curtiss-Wright</i> , <i>Youngstown Co. v. Sawyer</i> , <i>New York Times Co. v. U.S.</i> (519), <i>U.S. v. U.S. District Court</i> (696), <i>Hamdan v. Rumsfeld</i> (2006)]
Oct. 4:	TEST I
Oct. 6, 13, 18, 20:	M & S Ch. Four [<i>Chisholm v. Georgia</i> , <i>McCulloch v. Maryland</i> , <i>Cohens v. Virginia</i> , <i>Missouri v. Holland</i> (126), <i>Collector v. Day</i> , <i>U.S. Term Limits, Inc. v. Thornton</i> , <i>U.S. v. Morrison</i> , <i>Tennessee v. Lane</i> , <i>Gonzales v. Raich</i>]
[Oct 11:	FALL BREAK. NO CLASS.]
Oct. 25, 27; Nov. 1:	M & S Ch. Five [<i>Bush v. Gore</i> , <i>Baker v. Carr</i> , <i>Reynolds v. Sims</i> , <i>Vieth v. Jubelirer</i> , <i>Miller v. Johnson</i> , <i>Hunt (Easley) v. Cromartie</i> , <i>California Democratic Party v. Jones</i> , <i>Republican Party of Minnesota v. White</i>]
Nov. 3, 8:	M & S Ch. Six A: <i>Gibbons v. Ogden</i> , <i>Cooley v. Board of Wardens</i> , <i>Southern Pacific v. Arizona</i> , <i>Philadelphia v. New Jersey</i> , <i>Granholm v. Heald</i>]
Nov. 15:	TEST II
Nov. 10, 17:	M & S Ch. Six B: <i>U.S. v. E.C. Knight Co.</i> , <i>Champion v. Ames</i> , <i>Hammer v. Dagenhart</i> , <i>Stafford v. Wallace</i> , (<i>Carter v. Carter Coal Co.</i>), <i>NLRB v. Jones & Laughlin Steel Corp.</i> , <i>Wickard v. Filburn</i> , <i>Heart of Atlanta Motel v. U.S.</i> & <i>Katzenbach v. McClung</i> , <i>U.S. v. Lopez</i>]
[Nov. 24:	THANKSGIVING RECESS. NO CLASS]
Nov. 22; 29:	M & S Ch. Seven [<i>Hylton v. U.S.</i> , <i>Pollock v. Farmers' Loan & Trust Co.</i> , <i>McCray v. U.S.</i> , <i>Bailey v. Drexel Furniture Co.</i> , <i>U.S. v. Butler</i> , <i>South Dakota v. Dole</i> , <i>Rumsfeld v. Forum for Academic and Institutional Rights, Inc.</i>]
Dec. 1, 6:	Ch. Eight (partial) [<i>Dartmouth College v. Woodward</i> , <i>Charles River Bridge v. Warren Bridge</i> , <i>Home Building & Loan v. Blaisdell</i>]
Dec. 9	FINAL EXAMINATION (7:00-10:00)