

Constitutional Law: The Separation of Powers and Governmental Institutions

Political Science 353

Intensive FOUR WEEK Summer Session 2014 (17337)

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9:00 – 11:55, M,T,TR,F TH 117

Office hours by appointment

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Meets May 19 – June 13, 2014. 9:00 - 11:55 AM, M, Tu, Th, F, TH 117.

Department Information: Location: 1102 BSB; Phone: (312) 996-3105.

Course Information: 3 hours. Selected constitutional provisions and principles as they developed through Supreme Court interpretation. Major attention given to powers and practices of, and interactions among governmental institutions. *Prerequisite(s)*: POLS 101 or consent of the instructor.

I. Introductory Statement

This is a course in American politics. The major purpose is to examine the role and functions of courts, primarily the U.S. Supreme Court, in the American political system. The key objective is to conceptualize and discuss courts and law as part of, not apart from, the political process.

The central focus of the course is on the Supreme Court and its role in dealing with major problems and issues of constitutional law. In the main, these problems and issues will be examined in two major areas; i.e., the nature and operation of separation of powers; and the nature and operation of the federal system. Only limited attention will be given to civil rights and civil liberties since major topics in these areas are reserved for study in other con law courses I teach; e.g., Political Science 354, 356 and 358.

In attempting to meet our major objectives, attention will be given to: 1) the nature, capacity, and limitations of courts and the judicial process in dealing with policy issues; 2) the substance of judicial policies and factors that might account for policy continuity and change over time; 3) the political-social impact of judicial policies; and, 4) the role of the judicial function in the resolution and management of policy conflict.

Particular attention is also given to the relation and interaction of the judiciary with other governing institutions, i.e., the Congress and President, in the formulation of public policy and in the political system generally.

Course Format

The class will be conducted in an informal seminar format utilizing the Socratic method. This format lends itself to continuous active engagement and dialogue between the professor and students and among students themselves. Accordingly, students are encouraged and expected to attend and participate in class. Meaningful participation, however, requires that students must come to class prepared. Should this occur, the class will be an interesting, challenging, and an exciting learning experience. A word of caution: it is important that students prepare for each class since material is cumulative and the workload increases dramatically as the session proceeds. Attendance in class and participation in discussion seminars is both mandatory and essential. I will randomly take attendance. Your attendance grade will be calculated based on the percentage of days you are present when attendance is taken.

To repeat: it is important that students prepare for each class since material is cumulative and the workload of the course increases dramatically as the term proceeds. Moreover, the nature of the materials and expectations of the course make it very difficult for students to "catch up and understand" overnight unless a consistent pattern of study has been taking place all along.

Course Objectives

By the end of the session, students should be able to:

- Explain many of the complex relationships between law and public policy.
- Utilize landmark decisions of the United States Supreme Court as vehicles to survey and explain developments relating to federalism, the separation of powers, and the constitutional powers and constraints in and between the executive, legislative, and judicial branches of government and the individual states.
- Relate the legal process and judicial policymaking to the larger American political process and the constitutional powers of the state and federal governments.

All students must utilize the UIC Blackboard Learning system. You can enter UIC Blackboard Learning System from the UIC homepage, go to "learning at UIC," or go directly to <http://blackboard.uic.edu/>.

Caution: I will send many notes to you during the semester using Blackboard; these notes are automatically routed to you UIC email account.

Students should be familiar with UIC's policies regarding academic integrity. These guidelines can be found at the following URL: www.uic.edu/depts/sja/integrit.htm

The tape recording of any part of my class (or the use of any other electronic recording device) is strictly prohibited.

Students with disabilities who require accommodations for access and participation in this course must be registered with the Office of Disability Services (ODS). Please contact ODS at 312/413-2103 (voice) or 312/413-0123 (TTY). If you have a documented disability and wish to discuss academic accommodations, please contact me immediately (lyles@uic.edu, 1102a BSB).

My Teaching Philosophy

Learning to teach at the highest levels of the academy is a never ending process. It has been argued that the vast majority of professors lack basic communication skills, we are not self-actualized, and we often use the classroom to enact rituals of control that are rooted in domination and the unjust exercise of power (bell hooks. *Teaching to Transgress*, p. 5). I have spent much of my career trying to avoid this trap. I want my classroom to be an exciting place where students feel safe to express themselves, for it is only then that we can achieve higher learning. It is my goal to acknowledge everyone's presence and I value everyone's presence.

I am also acutely aware of the various and unique sensitivities that play out in classes that explore issues of race and gender. We are a diverse group (race, religion, ethnicity, gender, sexual orientation, identity, etc.) and each of us has something to contribute to our community of learning. I want you to be engaged and active participants. To that end, the wiki also serves as a voice for student expression and the free exchange of ideas—a safe environment sans the fear of expressing ourselves in class.

I find that many students would prefer "more lectures" and "less discussion" in my classes. I try to transgress traditional boundaries and to avoid "assembly-line" approaches to learning. I want to engage students

and I take some non-traditional risks when I teach. As a research trained academic, I am always looking for answers. We learn from each other. For example, part of my teaching style is to bring narratives of my limited personal experiences into the classroom—not only to personalize the material but to also show how our individual experiences (both yours and mine) can illuminate and enhance our understanding and deconstruction of academic material. Admittedly, I do most of the talking, but I want us to hear each other, to listen to each other, and to recognize that the work of learning and processing this material is different for each of us.

Most research concludes there are two approaches to teaching constitutional law: (1) lectures and (2) the Socratic Method. Traditional lectures are a popular and primary method of classroom instruction used in college today. I find that the lecture method, if done well, is an efficient system for delivering information to students. However, the lecture method of instruction has been widely criticized, “primarily on the grounds that it places students in a passive learning environment. It may also be less effective in developing analytic skills. The lecture method is weakest in helping students to develop their speaking abilities or critical thinking skills.” But, lecturing is also the easiest way for professors to teach, it requires the least amount of knowledge, effort, risk; requires limited skill; and is extremely safe. It works well for me when I teach introductory classes like PoLS 101.

An alternative to the lecture method is the Socratic Method. This is a form of instruction that is popular—and probably predominant—in law school classes, and this method is also used in undergraduate classes, especially law courses. “Professors use the Socratic Method in a wide variety of ways, varying from posing a series of friendly questions to an intense grilling of students with difficult questions and abstract queries.” Debate exists in the political science literature over the benefits and disadvantages of the Socratic Method. “The Socratic Method forces students to think on their feet and to articulate their ideas orally. However, the Socratic Method may not be as efficient in transmitting basic knowledge as does the lecture method.” In my classes and seminars, I try to utilize a modified Socratic Method in a *low-threat/discussion manner* that does not penalize or humble students for poor responses.

However, even my low-threat Socratic Method can be frustrating if students have not read the assigned material, are not prepared for class, or do not attend class. It is frustrating (1) for me; (2) for the students who are prepared for class and want to engage; and, (3) for students who are not prepared but who plan on taking detailed class notes to help them prepare for exams. To avoid this frustration, students must come to class prepared! Welcome to my class and I look forward to an exciting learning experience.

II. Readings and Materials

(1) There is only one required text for PoLS 353 this summer: David M. O'Brien, Constitutional Law and Politics: Struggles for Power and Governmental Accountability, Seventh Edition, Vol. I (7th, 8th or 9th edition). Page number on the syllabus correspond to the 9th edition)

(2) Students must also familiarize themselves with Lexis/Nexis via the UIC Library (online). You can also access Lexis/Nexis from home/dorm using your UIC net-id),

(3) Many of the cases can also be located at one of the following web sites:

<http://www.supremecourtus.gov/>

<http://www.uscplus.com/>

<http://www.findlaw.com/>

<http://supct.law.cornell.edu/supct/index.php>

Optional Texts:

Lawrence Baum, The Supreme Court

Students should prepare a *written* brief for every case that is not preceded with an asterisk (*). These required cases have **bold** typeface. Cases and materials preceded with an asterisk (*) are optional.

III. Course Requirements

Student participation (briefing cases and discussion) in class is required. **Attendance is required and constitutes 20 percent of your final grade.**

Computation of Course Grade

Attendance/Participation/Briefs/ and Quizzes	20%
Midterm Examination	40%
Final Examination	40%

Readings/Case Law

Readings under the various topic areas are only suggestive of the vast and growing literature and case law available. **All assigned cases must be read prior to the class session for which they are assigned.** Be prepared to review and discuss all assigned cases and readings in class. You should prepare a written brief for call required cases (indicated in **bold** type)

Tentative Summer Schedule

- Date headings are merely suggestive of when discussion might begin for each topic area and are subject to change (keep on track).
- Not all “required” material listed on the syllabus will be discussed in class, however said materials are “fair game” for the midterm and final examinations.
- Additional material will be added to the syllabus during the semester (like the Constitution, the syllabus can be amended).

Remember, cases and other materials preceded by an asterisk (*) are optional.

You are not required to read optional material before class; however, it may be included on examinations to the extent that I discuss it in class.

DAY 1, Monday May 19, 2014

Introductory comments and course requirements.

Before coming to class, you should:

Make sure you have an active UIC computer account

Familiarize yourself with UIC [Blackboard](#)

Read (skim) the first two chapters of the O’Brien book, pp. 1-235. You are not required to read the cases, just the text between the cases. **Don’t read the cases!**

Note: if you have already taken an undergraduate constitutional law class with me [i.e., 354, 356, 358, 359 or 451], then your attendance on **Monday May 19, 2014 and Tuesday May 20** is optional. I will cover the structure of the federal courts, types of writs, how to brief a case, judicial review, statutory interpretation, mechanical vs. behavioral jurisprudence, internal and external limits on the Court, legal definitions, etc., Marbury v. Madison and the “incorporation of the Bill of Rights.” My lecture is similar for each of the above listed classes for the first few class periods. Be warned however, this material will be included on the exams.

Lecture: History, Operation and Function of the Federal Courts, part 1.

1. An Overview of the Federal Courts
2. Federal Courts in Political-Social Context
3. Courts as policymaking institutions
- *4. Baum, chapters 1,2,3
- *Lyles, *The Gatekeepers: Federal District Courts in the Political Process*, ch. 1, p. 1-9.

DAY 2, Tuesday May 20, 2014**Lecture Day: History, Operation and Function of the Federal Courts, part 2**

*Baum, chapters 4,5,6

Researching Constitutional Law

Melone, pp. 104-114, "How and why to brief a case" [Blackboard]

*O'Brien "The How, Why, and What to Briefing and Citing Court Cases" pp. 1109-1112.

Understanding the Politics of Judicial selection

*Lyles, *The Gatekeepers*, ch. 2, p. 11-35.

Read (skim) the first two chapters of the O'Brien book, pp. 1-235. You are not required to read the cases, just the text between the cases.

The Judiciary: Judicial Review and Constitutional Politics

**Hylton v. U.S.* (1796)

**Calder v. Bull* (1798)

***Marbury v. Madison* (1803), p.45 [prepare a written brief for today]**

**Martin v. Hunter's Lessee* (1816), 765

***Eakin v. Raub* (1825), p.55 [Gibson's dissent]**

**Muskrat v. United States* (1911)

Incorporation of the Bill of Rights, Selective Incorporation, Fundamental Rights

The Selective Nationalization of the Bill of Rights and Other Fundamental Rights, in David M. O'Brien, Constitutional Law and Politics, vol. 2, pp. 306-315. [Blackboard]

Cases Incorporating Provisions of the Bill of Rights into the Due Process Clause of the Fourteenth Amendment [Blackboard].

**Barron v. Baltimore* (1833) [Lyles, CL&C Suppl.] skim, not required *per se*

**Hurtado v. California* (1884)

**Twining v. New Jersey* (1908)

**Palko v. Connecticut* (1937),

Jurisdiction and Justiciable Controversies:

O'Brien, pp. 108-188 (skim entire section with special focus on the following cases, briefs are not required for this section).

Certification, writs of mandamus, writs of habeas corpus

Jurisdiction

**Ex Parte McCardle* (1869)

Adverseness and Advisory OpinionsStanding to sue

**Frothingham v. Mellon* (1923)

**Flast v. Cohen* (1968)

**Valley Forge Christian College v. Americans United for Separation of Church and State, Inc.* (1982)

**Lujan v. Defenders of Wildlife* (1992)

Ripeness and Mootness

**DeFunis, Bakke, Roe v. Wade, etc.*

Political questions

**Luther v. Borden* (1849)

**Colegrove v. Green* (1946)

**Baker v. Carr* (1962)

**Goldwater v. Carter* (1979)

Stare DecisisCert. and the Rule of Four

Oral argument

Summarily Decided Cases

**Florida v. Meyers* (1984)

Finish reading (skim) the first two chapters of the O'Brien book, pp. 1-235. You are not required to read the cases, just the text between the cases.

DAY 3, Thursday May 22I. Presidential Power, the Rule of Law and Foreign AffairsAs Commander in Chief and in Foreign Affairs**O'Brien, pp. 224-359*****United States v. Curtis-Wright Corporation*, (1936) [prepare a written brief for today]****Haig v. Agee* (1981)***Dames & Moore v. Regan* (1981) [prepare a written brief for today]****Dames & Moore v. Regan*, by Monroe Leigh. *The American Journal of International Law*, Vol. 75, No. 4 (Oct., 1981), pp. 954-957**Sale v. Haitian Centers Council, Inc.* (1993)The Treaty-Making Power and Executive Independence***Missouri v. Holland* (1920) [prepare a written brief for today]**

[National Preemption of State Laws]

United States v. Belmont* (1937)*United States v. Pink* (1942) [prepare a written brief for today]*****Goldwater v. Carter* (1979) [prepare a written brief for today]**

**United States v. Alvarez-Machain* (1992) [prepare a written brief for today] Also, find this case on Lexis/Nexis (the full opinion), and print ONLY the first page of the case (as downloaded and/or printed directly from Lexis/Nexis) and turn in the "one" printed page today for two extra points on your first exam. Turn in ONLY the first printed page from Lexis/Nexis with your name written at the top. This is extra credit.

Medellin v. Texas* (2008)*Lyles, *The Gatekeepers*: ch. 3, pp. 37-72.DAY 4, Friday May 23****THERE IS NO CLASS MEETING TODAY****DAY 5, Monday May 26****THERE IS NO CLASS MEETING TODAY
[MEMORIAL DAY HOLIDAY...FEDERAL HOLIDAY]****DAY 6, Tuesday May 27**War-Making and Emergency Powers***The Prize Cases* (1863) [prepare a written brief for today]*****Ex parte Milligan* (1866) [prepare a written brief for today]*****Korematsu v. United States* (1947) [prepare a written brief for today]****Rasul v. Bush* (2004) [prepare a written brief for today]**Hamdi v. Rumsfeld* (2004), 288-302 [prepare a written brief for today]**Hamdan v. Rumsfeld* (2006) [prepare a written brief for today]*Boumediene v. Bush* (2008)

War Powers Resolution, O'Brien, pp. 335.

The President as Chief Executive in Domestic Affairs

O'Brien, pp. 359-500

National Security and Inherent and Emergency Powers

Youngstown Sheet and Tube Co. v. Sawyer (1952) [\[prepare a written brief for today\]](#)

New York Times Co. v. United States (1971) [\[prepare a written brief for today\]](#)

Appointment and Removal Powers

Myers v. United States (1926) [\[prepare a written brief for today\]](#)

DAY 7, Thursday May 29

Humphrey's Executor v. United States (1935) [\[prepare a written brief for today\]](#)

**Wiener v. United States (1958)*

**Bowsher v. Synar (1986)*

**Morrison v. Olson (1988)*

Legislative Powers in the Administrative State

Schechter Poultry Corporation v. United States (1935) [\[prepare a written brief for today\]](#)

Industrial Union Department, AFL-CIO v. American Petroleum Institute (1980) [\[prepare a written brief for today\]](#)

Immigration and Naturalization Service v. Chadha (1983) [\[prepare a written brief for today\]](#)

**Clinton v. City of New York (1998)*, p. 472

DAY 8, Friday May 30

Accountability and Immunities

**Cheney v. U.S. District Court for the District of Columbia (2004)*

United States v. Nixon (1974) [\[prepare a written brief for today\]](#)

Articles of Impeachment against President Richard M. Nixon, Recommended by the House Judiciary Committee. P. 491

Clinton v. Jones (1997) [\[prepare a written brief for today\]](#)

Articles of Impeachment against President William Jefferson Clinton, Recommended by the House Judiciary Committee. P. 500

*Lyles, *The Gatekeepers*: ch. 4, pp. 73-115.

Catch-up and review for Midterm (time-permitting)

EVERYTHING ABOVE THIS LINE IS ON THE MIDTERM

MIDTERM EXAMINATION

Online (available Friday May 30 at noon until Sunday June 1 at 6 PM)

DAY 9, Monday June 2

II. CONGRESS: Membership, Immunities, Powers, Taxing and Spending, the Commerce Clause

O'Brien, pp. 501-538

Membership and Immunities

Powell v. McCormack (1969) [\[prepare a written brief for today\]](#)

U.S. Term Limits Inc. v. Thornton (1995) [\[prepare a written brief for today\]](#)

**Gravel v. United States (1972)*

Investigatory, Contempt, and Impeachment Powers

**McGrain v. Dougherty (1927)*

**Eastland v. United States Servicemen's Fund (1975)*

Hutchinson v. Proxmire (1979) [\[prepare a written brief for today\]](#)

Investigatory, Contempt, and Impeachment Powers

**Watkins v. United States* (1957) [prepare a written brief for today]

**Barenblatt v. United States* (1959) [prepare a written brief for today]

***Gibson v. Florida Legislative Investigation Committee* (1963)** [prepare a written brief for today]

***Walter L. Nixon v. United States* (1993)** [prepare a written brief for today]

DAY 10, Tuesday June 3**Congress: Legislative, Taxing, and Spending Powers**

O'Brien, pp. 540-677

***McCulloch v. Maryland* (1819)** 9th edition, p. 551 [prepare a written brief for today]

*Lyles, *The Gatekeepers*: ch. 5, pp. 117-154, especially pp. 121-123, and, 134-135

The Constitutional Foundation of the Commerce Power

***Gibbons v. Ogden* (1824)** [prepare a written brief for today]

From Legal Formalism to the New Deal Crisis

***United States v. E.C. Knight Company* (1895)** [prepare a written brief for today]

***Hammer v. Dagenhart* (1918)** [prepare a written brief for today]

From New Deal Crisis to the Administrative State

***National Labor Relations Board v. Jones & Laughlin Steel Corporation* (1937)** [prepare a written brief for today]

***United States v. Darby Lumber Company* (1941)** [prepare a written brief for today]

***Wickard v. Filburn* (1941)** [prepare a written brief for today]

DAY 11, Thursday June 5

***Heart of Atlanta Motel, Inc. v. United States* (1964)** and *Katzenbach v. McClung*, 579-588 (see PoLS 359)

***United States v. Lopez* (1995)** [prepare a written brief for today]

**Reno v. Condon* (2000)

**City of Boerne v. Flores* (1997)

***United States v. Morrison* (2000)** [prepare a written brief for today]

**Gonzales v. Raich*

**Gonzales v. Oregon*

National Federation of Independent Business v. Sebelius [prepare a written brief for today] (to be discussed later after *South Dakota v. Dole*)

Taxing and Spending Powers

Pollack v. Farmer's Loan and Trust Co. (1895) (as discussed in class)

McCray v. United States (1904) (as discussed in class)

United States v. Doremus (1919) (as discussed in class)

Bailey v. Drexel Furniture Co. (1922) (as discussed in class)

J. W. Hampton, Jr. and Co. v. United States (1928) (as discussed in class)

Taxing and Spending for the General Welfare

**United States v. Butler* (1936)

***Steward Machine Co. v. Davis* (1937)** [prepare a written brief for today]

**United States v. Kahriger* (1953) [prepare a written brief for today]

***South Dakota v. Dole* (1987)** [prepare a written brief for today]

*Lyles, *The Gatekeepers*: ch. 6, pp. 155-201.

National Federation of Independent Business v. Sebelius [prepare a written brief for today]

The States and American FederalismState's Power over Commerce and Regulation

O'Brien, pp. 689-809

Cooley v. Board of Wardens of the Port of Philadelphia (1852) [prepare a written brief for today]
Southern Pacific Co. v. Arizona (1945) [prepare a written brief for today]

DAY 12, Friday June 6

Bibb v. Navajo Freight Lines, Inc. (1959) [prepare a written brief for today]

Maine v. Taylor (1986) [prepare a written brief for today]

Pennsylvania v. Nelson (1956) [prepare a written brief for today]

[National preemption of state laws]

*Lyles, *The Gatekeepers*: ch. 7, pp. 203-221, esp. Table 7.1 – 7.5.

The Tenth and Eleventh Amendment and the States

O'Brien, pp. 728-792

**Collector v. Day* (1871)

**Coyle v. Oklahoma* (1911)

**Edwards v. California* (1941) (as discussed in class)

**National League of Cities v. Usery* (1976) (as discussed in class)

Garcia v. San Antonio Metropolitan Transit Authority (1985) [prepare a written brief for today]

**New York v. United States* (1992),]

**Printz v. United States and Mack v. United States* (1997) [prepare a written brief for today]

**Cohens v. Virginia* (1821)

**Seminole Tribe of Florida v. Florida* (1996) [prepare a written brief for today]

Alden v. Maine (1999), 742-749 [prepare a written brief for today]

**Kansas v. Colorado* (2001), p. 724 only

**Nevada Dept of Human Resources v. Hibbs* (2003) [turn in a written brief for today]

Judicial Federalism (skim section)

O'Brien, pp. 813-847

Martin v. Hunter's Lessee (1816) [prepare a written brief for today]

**Cooper v. Aaron*, (1958), 770-774 (as discussed in class) (See Lyles PolS 358)

Younger v. Harris (1971) [prepare a written brief for today]

DAY 13, Monday June 9

**Stone v. Powell* (1976), 778-783 (see Lyles, PolS 354, exclusionary rule discussion)

**Withrow v. Williams* (1993), 783-785 (see Lyles, PolS 354, *Miranda* warnings discussion)

*Lyles, *The Gatekeepers*: ch. 8 and 9, pp. 223-267.

State Courts and State Constitutional Law

**Michigan v. Long* (1983), 790-795 (see Lyles, PolS 354, illegal searches, *Terry v. Ohio*)

**People v. P.J. Video, Inc.* (1986), 795-798 (see Lyles PolS 354, standards of probable cause, search and seizure)

**Commonwealth of Kentucky v. Wasson* (1992), 208-212 (see Lyles PolS 356, homosexual rights and sodomy laws)

Economic Rights and American Capitalism

The Contract Clause and Vested Interests in Property

O'Brien, pp. 1019-1040

Fletcher v. Peck (1810) [prepare a written brief for today]

Trustees of Dartmouth College v. Woodward (1819) [prepare a written brief for today]

Charles River Bridge Co. v. Warren Bridge Co. (1837) [prepare a written brief for today]

Home Building and Loan Association v. Blaisdell (1934) [prepare a written brief for today]

**City of El Paso v. Simmons* (1965)

DAY 14, Tuesday June 10

**United States Trust Co. of New York v. State of New Jersey* (1977), 976-979]

The Development and Demise of the “Liberty of Contract” [POLS 356]

- *13th, 14th, and 15th Amendments (*The Civil War Amendments*), take Con Law 359
- **Butchers’ Benevolent Association v. Crescent City Livestock Landing and Slaughterhouse Co.* [*The Slaughterhouse Cases*] (1873), the “unity of purpose doctrine”)
- **Munn v. Illinois* (1877), 998-1000 (see Lyles, Women and the Law, Pols 356)
- **Lochner v. New York* (1905), 1000-1006 (see Lyles, Women and the Law, Pols 356)
- **Muller v Oregon* (1908), 1006-1009 (see Lyles, Women and the Law, Pols 356)
- **Nebbia v. New York* (1934) (see Lyles, Women and the Law, Pols 356)
- **West Coast Hotel Co. v. Parrish* (1937), 1009-1012 (see Lyles, Women and the Law, Pols 356)
- **Lincoln Federal Labor Union v. Northwestern Iron and Metal Co.* (1946), 1012-1013 (see Lyles, Women and the Law, Pols 356)

The Takings Clause

O'Brien, pp. 1078-1077

Barron v. Baltimore (1833) (find online; i.e., lexis-nexis)) [prepare a written brief for today]

Hawaii Housing Authority v. Midkiff (1984) [prepare a written brief for today]

Nollan v. California Coastal Commission (1987) [prepare a written brief for today]

Review : <http://fotp.org/programs/the-last-four-miles-completing-chicaqos-lakefront-park-system/last-4-miles>

Review: <http://activerain.com/blogsviw/1644789/evanston-home-spanish-villa-on-the-lake-with-a-70-foot-private-sandy-beach-> [this is my house—not]

Lucas v. South Carolina Coastal Council (1992) [prepare a written brief for today]

Kelo v. City of New London (2005)[prepare a written brief for today]

DAY 15, Thursday June 12

Representative Government, Rights, and Electoral Politics

Time permitting...O'Brien, [lightly skim 849-1010.

I cover this entire section in detail in POLS 356 and POLS 358.

Lecture on voting rights, time permitting

- *1875. *Virginia Minor v. Reese Happersett*
- *1876. *United States v. Reese* [Blackboard]
- **Colegrove v. Green* (1946) (as discussed in class)
- **Gomillion v. Lightfoot* (1960) (as discussed in class)
- **Baker v. Carr* (1962) [Hint: see the “model brief” in Melone, pp. 104-114. "Why and How to Brief a Case."][Blackboard, Week One]
- *The 1965 Voting Rights Act, excerpt from Lyles, *The Gatekeepers*, pp. 89-90 [Blackboard]
- *Review the Main Provisions of the Voting Rights Act of 1965, see Davis and Graham, p. 133 Box 3.3, p. 234 Box 4.1; and/or, *Gatekeepers*, pp. 13, 33 n.20, 89-90, 145 n.18, 101, 136, Preclearance, p. 93. [Blackboard]
- **South Carolina v. Katzenbach* (1966), [prepare a written brief for today]
- **Shaw v. Reno* (1993) (as discussed in class)
- **Bush v. Gore* (2000) (as discussed in class)
- **Buckley v. Valeo* (1976) (as discussed in class)

DAY 16, Friday June 13

FINAL EXAM TODAY IN CLASS