

CONSTITUTIONAL LAW

Political Science 353

Section 24888

Fall 2007 Semester

Classroom: Behavioral Sciences Building, Room 385

Tuesdays and Thursdays, 2:00pm to 3:15pm

UNIVERSITY OF ILLINOIS AT CHICAGO

DEPARTMENT: The Department of Political Science
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COURSE DESCRIPTION:

Constitutional Law (POLS 353) analyzes selected constitutional provisions and principles as they have been developed through Supreme Court interpretation. Major attention will be given to powers and practices of, and interactions among, governmental institutions.

PREREQUISITE(S):

POLS 101 or POLS 103 or POLS 190.

COURSE RATIONALE:

Students will become familiar with the dominant themes, images, and orientations of constitutional law as interpreted by the United States Supreme Court. They will be able to grasp and wield ideas about legal interpretation, providing not only a set of resources to navigate the historical record of United States constitutional law, but the tools with which to interpret current legal problems.

COURSE GOALS AND LEARNING OBJECTIVES:

This is a course concerning the “whats,” “hows,” and “whys” of American Constitutional law. It surveys historically significant and recent United States Supreme Court decisions, focusing on the decision-making process and the analytical approaches scholars use to analyze constitutional law. Students will learn what political science has to say about controversial issues in United States Supreme Court decisions and how to conduct basic analysis of United States Constitutional law.

COURSE MATERIALS:

Textbook (Note - you must have the textbook with you for every class session and you must purchase the textbook, available at the UIC Student Bookstore [750 South Halsted], by the second day of class):

Ducat, Craig R. Constitutional Interpretation – Volume I: Powers of the Government. Eighth Edition. California: Wadsworth 2004. (ISBN 0-534-61399-3).

GRADING POLICY:

Class participation, the weekly briefs, the midterm and the final examination will test students' mastery of the course objectives according to the following performance standards:

<u>Letter Grade</u>	<u>Percentage Range</u>	<u>Standard of Review</u>
A	90-100	Excellent recall, comprehension, or application, defined as: no errors of fact <u>plus</u> inferences and interpretations that are solidly grounded in assigned readings and reflect an awareness of complexity.
B	80-89	Superior recall, comprehension, or application, defined as: a few errors of fact <u>plus</u> inferences and interpretations that are somewhat grounded in assigned readings, with a few significant omissions or misinterpretations, and some appreciation of complexity.
C	70-79	Average recall, comprehension, or application, defined as: a fair number of errors of fact <u>plus</u> a mixture of warranted and unwarranted, or correct and incorrect, inferences and interpretations of assigned readings along with minimal appreciation of complexity.
D	60-69	Below average recall, comprehension, or application, defined as: errors of fact outnumber correct responses, <u>plus</u> more unwarranted than warranted and more incorrect than correct inferences and interpretations, and a lack of appreciation of complexity.
F	< 60	Extremely poor recall, comprehension, or application, defined as: serious errors of fact, predominance of unwarranted and incorrect inferences and interpretations, and severe lack of appreciation of complexity.

COMPONENTS OF YOUR GRADE:

Your grade will be based on writing tasks that measure reading comprehension, analytical and critical thinking skills according to the performance standards described above. Your grade will have three components:

1. Briefs/Quizzes - **30%**
2. Midterm Examination - **30%**
3. Final Examination - **40%**

MIDTERM AND FINAL EXAMINATIONS:

The Midterm Exam and the Final Exam must be taken on the official exam dates as follows:

Midterm Examination: **Thursday, November 1, 2007, regular class time.**

Final Examination: **Tuesday, December 11, 2007, 3:30pm to 5:30pm.**

If you miss either the Midterm Exam or the Final Exam, you will receive a grade of zero (0) for that component of your semester grade.

DEADLINES AND PENALTIES FOR LATE ASSIGNMENTS:

Carefully check all due dates, which have been highlighted for your convenience on the Daily Course Schedule. Arrange your schedule accordingly; do not plan to seek extensions. To receive full credit, written assignments must be delivered to the Instructor on the date due. If you know you are going to miss a class with a due date, you may hand in your assignment early or you may email the assignment to me or fax the assignment to me at the fax number noted above, on the due date prior to the time class is to commence (the point deductions will apply equally to faxed materials).

ATTENDANCE, CLASS PREPARATION AND PARTICIPATION:

Students are expected to attend all classes; participation is expected and encouraged. Experience shows that there is a direct relationship between attendance and performance in this course. To comprehend the reading material for this course and to benefit from what we do in class, you must read assigned readings before coming to each class session.

MISSED CLASSES AND CELL PHONES/PAGERS:

You are responsible for material covered in any class you miss. Also, remember to e-mail or fax your written assignments if you cannot submit them in person. I expect students to be present when class begins and to remain for the entire class. If you arrive late, please sit at the back of the room. Out of respect for the Instructor and your fellow classmates, please turn off your cellular telephones during class.

UNIVERSITY OF ILLINOIS AT CHICAGO POLICIES:

1. **ACADEMIC INTEGRITY**. UIC prohibits the following conduct: all forms of academic dishonesty including cheating, plagiarism, knowingly furnishing false information to the University, forgery, alteration, or fraudulent use of University documents, instruments or identification. For more information, please consult your student handbook.
2. **THE WRITING CENTER**. The UIC Writing Center, located at 100 Douglas Hall, offers weekly skills workshops, individual writing assistance, tutorial assistance, and reading skills improvement training. You are encouraged to use the UIC Writing Center as a resource.
3. **STUDENTS WITH DISABILITIES**. 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) 413-2183 (voice) or (312) 413-0123 (TTY).
4. THIS COURSE IS INTENDED FOR GENERAL EDUCATION PURPOSES ONLY. THE INFORMATION IS NOT INTENDED TO BE LEGAL ADVICE, NOR SHOULD IT BE USED AS SUCH.

[DAILY COURSE SCHEDULE BEGINS ON NEXT PAGE]

DAILY COURSE SCHEDULE

DATE	ASSIGNED READING	TOPIC	CASE BRIEFS ASSIGNED
August 28, 2007	--	Syllabus Distribution.	None
August 30, 2007	--	Introduction to the course: Law School 101: Briefing Cases, and Law School 102: Composition of the Court.	None
September 4, 2007	Appendix D; Chpt 1: Pages 1 – 18	JUDICIAL POWER: Judicial Review; Original Jurisdiction.	<i>Marbury v. Madison</i>
September 6, 2007	Chpt. 1: Pages 18 – 38	JUDICIAL POWER: Supreme Court Review of State Court Decisions; Appellate Jurisdiction; Checking the Court; Structure of the System; Writ of Certiorari; Judicial Independence.	<i>Martin v. Hunter's Lessee</i> ; <i>Ex Parte McCordle</i>
September 11, 2007	Chpt. 1: Pages 38 – 57	JUDICIAL POWER: Case and Controversy; Mootness; Ripeness; Standing.	<i>Allen v. Wright</i>
September 13, 2007	Chpt. 1: Pages 57 – 78	JUDICIAL POWER: Political Question Doctrine; Justiciability.	<i>Baker v. Carr</i> ; <i>Bush v. Gore</i>
September 18, 2007	Chpt. 3: Pages 104 – 128	LEGISLATIVE POWER: Sources and Scope of the Power of Congress to Legislate.	<i>McCulloch v. Maryland</i> ; <i>Missouri v. Holland</i>
September 20, 2007	Chpt. 3: Pages 129 – 146	LEGISLATIVE POWER: Delegation of Legislative Power.	<i>INS v. Chadba</i>
September 25, 2007	Chpt. 3: Pages 146 – 168	LEGISLATIVE POWER: Delegation of Legislative Power; The Power to Investigate.	<i>Clinton v. New York</i>
September 27, 2007	Chpt. 3: Pages 168 – 175	LEGISLATIVE POWER: The Power to Investigate; The Speech or Debate Clause.	<i>United States v. North</i>
October 2, 2007	Chpt. 4: Pages 176 – 191	EXECUTIVE POWER: Appointment and Removal Powers.	<i>Myers v. United States</i> ; <i>Morrison v. Olson</i>
October 4, 2007	Chpt. 4: Pages 191 – 208	EXECUTIVE POWER: Scope of Executive Power – Powers in Wartime.	<i>Korematsu v. United States</i>
October 9, 2007	Chpt. 4: Pages 209 – 220	EXECUTIVE POWER: Scope of Executive Power – Seizure of Private Property.	<i>Youngstown Sheet & Tube Co. v. Sawyer</i>
October 11, 2007	Chpt. 4: Pages 221 – 235	EXECUTIVE POWER: Scope of Executive Power – Executive Privilege.	<i>United States v. Nixon</i>
October 16, 2007		***** NO CLASS TODAY *****	
October 18, 2007		***** NO CLASS TODAY *****	
October 23, 2007	Chpt. 4: Pages 235 – 249	EXECUTIVE POWER: Scope of Executive Power – Liability of the President for Damages; Power to Pardon.	<i>Nixon v. Fitzgerald</i>
October 25, 2007	Chpt. 4: Pages 249 – 271	EXECUTIVE POWER: Authority in Conduct of Foreign Affairs.	<i>United States v. Belmont</i> ; <i>United States v. Curtiss-Wright Export Corp.</i>
October 30, 2007	--	Review for Midterm Examination.	None
November 1, 2007		***** MIDTERM EXAMINATION TODAY *****	
November 6, 2007	Chpt. 5: Pages 272 – 287	FEDERALISM - POWERS OF THE NATIONAL GOVERNMENT: Power of Congress to Regulate Interstate Commerce.	<i>Gibbons v. Ogden</i> ; <i>Stafford v. Wallace</i>
November 8, 2007	Chpt. 5: Pages 287 – 301	FEDERALISM - POWERS OF THE NATIONAL GOVERNMENT: Power of Congress to Regulate Interstate Commerce – “Federal Police Powers.”	<i>Champion v. Ames</i> ; <i>Katzenbach v. McClung</i>

November 13, 2007	Chpt. 5: Pages 301 – 324	FEDERALISM - POWERS OF THE NATIONAL GOVERNMENT: Power of Congress to Regulate Production under the Commerce Clause.	<i>Hammer v. Dagenhart;</i> <i>Carter v. Carter Coal Co.;</i> <i>NLRB v. Jones & Laughlin Steel Corp.</i>
November 15, 2007	Chpt. 5: Pages 324 – 347	FEDERALISM - POWERS OF THE NATIONAL GOVERNMENT: Power of Congress to Regulate Production under the Commerce Clause; The Taxing and Spending Power.	<i>Wickard v. Filburn;</i> <i>McCray v. United States</i>
November 20, 2007	Chpt. 5: Pages 347 – 363	FEDERALISM - POWERS OF THE NATIONAL GOVERNMENT: The Rise and Decline of Dual Federalism.	<i>United States v. Butler;</i> <i>Steward Machine Co. v. Davis</i>
November 22, 2007	***** NO CLASS TODAY – THANKSGIVING BREAK *****		
November 27, 2007	Chpt. 6: Pages 363 – 389	FEDERALISM - POWERS OF THE STATE GOVERNMENTS: The Police Power; Federal Preemption and Federal Dictation Doctrines.	<i>PG&E Co. v. State Energy Resources Conservation & Development Commission;</i> <i>New York v. United States</i>
November 29, 2007	Chpt. 6: Pages 389 – 412	FEDERALISM - POWERS OF THE STATE GOVERNMENTS: Interstate Movement of Persons; “Dormant” Commerce Clause.	<i>Cooley v. Board of Wardens;</i> <i>City of Philadelphia v. State of New Jersey</i>
December 4, 2007	--	Course Review.	None
December 6, 2007	--	CATCH-UP DAY (if necessary).	None
Tuesday December 11, 2007	***** [CUMULATIVE] FINAL EXAMINATION TODAY ***** 3:30pm to 5:30pm		

NOTE: *This is a tentative outline of the daily course schedule; the Instructor reserves the right to change this Daily Course Schedule as necessary to meet course objectives.*