

## **POLS 163 – 01: Constitutional Law I**

Fall 2017      Douglass Hall 0136  
Monday, Wednesday, Friday 11:10AM – 12PM

Instructor: Robinson Woodward-Burns  
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Office Hours: M 1-3PM or by appointment at Douglass Hall Rm. 112A

### **Course Overview**

This class is an introduction to American constitutional law, focusing on the structures and powers of American government. The course addresses the division of power between the federal and state governments and between the federal branches over time, reviewing the independence of the judiciary, the war and security powers of the executive, the economic regulatory authority of Congress and the states, and the modes of constitutional reform in America. The class aims not only to introduce these main constitutional and political questions, but also to prepare students for legal reading and thinking, and for citizenship more broadly.

### **Course Requirements and Grading**

Your course grade has four parts:

Participation      10%

Participation is based primarily on attendance. One absence is automatically excused. Subsequent absences are excused given documentation. Please read and bring the assigned material for each class.

Presentation      20%

The presentation should 1) summarize the facts, question, and judgment of a case, including citations or quotes from the decision, 2) prompt discussion with at least one question (either during or after the presentation), and 3) last 8-10 minutes total. Students may use aids like a handout, but are not required to do so. If a student misses his or her assigned presentation date, he or she may reschedule, but will lose a third of a letter grade for each time rescheduled.

Midterm Paper      30%

The midterm is a 5-7 page paper, due by email at 9:00PM Sunday, Oct. 8. The instructor will distribute paper topics and instructions by Sept. 29. Late papers decrease a third of a letter grade per day.

Final Exam      40%

The final is an in-class exam on Dec. 6, 5:00 p.m. – 7:00 p.m.

### **Academic Integrity**

Students are expected to read and follow Howard University's Academic Code of Student Conduct, including rules on cheating, plagiarism, etc.:

<https://www.howard.edu/policy/academic/student-conduct.htm>

## Readings

The only required text for the course is: Gilman, Howard, Mark A. Graber, and Keith E. Whittington. 2016. *American Constitutionalism*. 2nd ed. Vol. I. Oxford: Oxford University Press.

The textbook (referred to as GGW) is available through the university bookstore and online. The first edition of the textbook is also available online at a lower cost than the assigned second edition, though the first edition has different content and page numbers. The instructor will also post to Blackboard a packet of supplementary readings, drawn mainly from Vol. 2 of GGW and also from O'Brien, David M. 2017. *Constitutional Law and Politics*. Vol. 1 and 2. W.W. Norton. Since the packet will include all additional readings, these books are not required for purchase.

Note: unauthorized in-class recording is not allowed. This syllabus is subject to change at the instructor's discretion.

## Course Schedule and Readings

Date	Topic	Cases	Readings
Aug. 21	Course Introduction		
Aug. 23	The Colonial Era		GGW 3-10, 31-4, 45-7
Aug. 25	The Founding		GGW 49-56, 65-74, 79-80, 83-5
Aug. 28	The Constitution		GGW 695-707, 56-61, 10-26
Aug. 30, Sept. 1, Sept. 4	No class (APSA conference, Labor Day)		
Sept. 6	The Early Republic and Judicial Power	<i>Calder v. Bull</i> <i>Marbury v. Madison</i> <i>Martin v. Hunter's Lessee</i>	GGW 93-99, 101-118, Packet: O'Brien V1 1037-40
Sept. 8	The Commercial Republic I	<i>Chisholm v. Georgia</i> <i>Fletcher v. Peck</i> <i>Dartmouth College v. Woodward</i>	GGW 156-166, Packet: O'Brien V1 955-65
Sept. 11	The Commercial Republic II	<i>McCulloch v. Maryland</i> <i>Gibbons v. Ogden</i>	GGW 118-135, 149-153
Sept. 13	Jacksonian State Power I	<i>Worcester v. Georgia</i> <i>Barron v. Baltimore</i> <i>Luther v. Borden</i>	GGW 181-8, 195-199, 226-7
Sept. 15	Jacksonian State Power II	<i>Charles River Bridge v. Warren Bridge</i> <i>Cooley v. Board of Wardens</i>	GGW 199-204, 220-3, Packet: O'Brien V1 965-72
Sept. 18	Slavery Cases I	<i>Commonwealth v. Griffith</i> <i>Prigg v. Pennsylvania</i>	GGW 144-6, 204-210, Packet: Vile 1-2
Sept. 20	Slavery Cases II	<i>Dred Scott v. Sanford</i>	GGW 210-220, Packet: Garrison 1-7, Douglass 151-3
Sept. 22	No class (convocation)		

Date	Topic	Cases	Readings
Sept. 25	Civil War Era War Powers	<i>Ex parte Merryman</i> <i>The Prize Cases</i> <i>Ex parte McCardle</i>	GGW 243-8, 251-54, 288-93, 303-6
Sept. 27	Reconstruction I	<i>Texas v. White</i> <i>Hepburn v. Griswold</i> <i>Legal Tender Cases</i>	GGW 254-64, 283-7
Sept. 29	Reconstruction II	<i>Slaughter-House Cases</i> <i>Civil Rights Cases</i>	GGW 287-8, 325-33, 337-45
Oct. 2	Gilded Age I	<i>Munn v. Illinois</i> <i>Wabash, v. Illinois</i> <i>U.S. v. E.C. Knight</i>	GGW 311-9, 346-8, 350-3, 373-85
Oct. 4	Gilded Age II	<i>In re Debs</i> <i>Plessy v. Ferguson</i>	Packet: GGW V2 345-50, In re Debs
Oct. 6	Progressivism and Economic Regulation I	<i>Pollock v. Farmers Loan and Trust I and II</i> <i>Champion v. Ames</i> <i>Lochner v. New York</i>	GGW 353-5, 358-66 Packet: GGW V2 313-6
Oct. 8	Midterm Due		
Oct. 9	Progressivism and Economic Regulation II	<i>Hammer v. Dagenhart</i> <i>Bailey v. Drexel Furniture Co.</i> <i>J.W. Hampton, Jr. &amp; Co. v. U.S.</i>	GGW 355-8, 366-8, 395-7
Oct. 11	Progressivism: Foreign and Domestic Policy	<i>Selective Draft Law Cases</i> <i>Missouri v. Holland</i> <i>Buchanan v. Warley</i> <i>Myers v. U.S.</i>	GGW 368-73, 387-91, Packet: GGW V2, 353-4
Oct. 13	New Deal I	<i>Home Building &amp; Loan Association v. Blaisdell</i> <i>Schechter Poultry Corp. v. U.S.</i> <i>U.S. v. Butler</i>	GGW 401-7, 441-7, 463-7, Packet: GGW V2 395-8
Oct. 16	New Deal II	<i>NLRB v. Jones &amp; Laughlin Steel Corp.</i> <i>Steward Machine Co. v. Davis</i> <i>West Coast Hotel v. Parrish</i>	GGW 418-23, 447-50, 467-70, Packet: GGW V2 398-401
Oct. 18	New Deal III	<i>U.S. v. Carolene Products</i> <i>US v. Darby</i> <i>Wickard v. Filburn</i>	GGW 413-5, 450-54 Packet: O'Brien V1 566-70
Oct. 20	War and Government Powers	<i>US v. Curtiss-Wright Export Co.</i> <i>Korematsu v. United States</i> <i>Youngstown Sheet &amp; Tube Co. v. Sawyer</i>	GGW 471-82, 489-91, Packet: O'Brien V1 297-305
Oct. 23	Civil Rights and Federal Power I	<i>Shelley v. Kraemer</i> <i>Brown v. Board I</i>	Packet: GGW V2 388-91, 459-62
Oct. 25	Civil Rights and Federal Power II	<i>Bolling v. Sharpe</i> <i>Brown v. Board II</i> <i>Cooper v. Aaron</i> <i>Baker v. Carr</i>	GGW 425-7, 433-39, Packet: GGW V2 463-4
Oct. 27	Civil Rights and Federal Power III	<i>Reynolds v. Sims</i> <i>Heart of Atlanta Motel v. U.S.</i> <i>South Carolina v. Katzenbach</i>	GGW 454-63, Packet: GGW V2 436-42
Oct. 30	Civil Rights Backlash I	<i>Green v. County School Board of New Kent</i> <i>Swann v. Charlotte-Mecklenberg</i> <i>San Antonio School District v. Rodriguez</i>	GGW 495-8, Packet: GGW V2 464-8, 531-8

Date	Topic	Cases	Readings
Nov. 1	Civil Rights Backlash II	<i>Shapiro v. Thompson</i> <i>Moose Lodge v. Irvis</i> <i>U.S. v. Nixon</i>	GGW 528-33, Packet: GGW V2 499-501, O'Brien V2 1575-8
Nov. 3	Fractures in Liberalism	<i>National League of Cities v. Usery</i> <i>Buckley v. Valeo</i>	GGW 511-24, Packet: GGW V2 522-6
Nov. 6	Reagan Era I: Separation of Powers	<i>INS v. Chadha</i> <i>Morrison v. Olson</i>	GGW 537-40, 547-9, 570-84
Nov. 8	Reagan Era II: Federalism	<i>Garcia v. San Antonio Metro Transit Authority</i> <i>South Dakota v. Dole</i>	GGW 556-70
Nov. 10	No class (Veteran's Day)		
Nov. 13	Modern: Voting and Elections I	<i>Shaw v. Reno</i> <i>US Term Limits v. Thornton</i>	GGW 585-9, 635-41, Packet: GGW V2 634-7
Nov. 15	Modern: Voting and Elections II	<i>Crawford v. Marion County Election Board</i> <i>Citizens United v. Federal Election Commission</i> <i>Shelby County v. Holder</i>	Packet: GGW V2 749-54, 764-73
Nov. 17	Modern: Federalism I	<i>United States v. Lopez</i> <i>Printz v. US</i> <i>Alden v. Maine</i>	GGW 607-17, 641-53
Nov. 20	Modern: Federalism II	<i>Gonzalez v. Raich</i> <i>Massachusetts v. EPA</i> <i>NFIB v. Sebelius</i>	GGW 599-602, 624-29, Packet: O'Brien V1 620-7
Nov. 22	Modern: Executive Power and Selection	<i>Bush v. Gore</i> <i>Hamdi v. Rumsfeld</i> <i>Boumediene v. Bush</i>	GGW 679-87, Packet: GGW V2 696-701, 758-62
Break	No class		
Nov. 27	Modern: Policing Practices	TBD	TBD
Nov. 29	Conclusion		
Dec. 6	Final Exam (5:00 p.m. – 7:00 p.m.)		