

# Constitutional Law I: National Powers

Vanguard University of Southern California

## Class

Semester: Fall, 2014

Room: Heath 103

Time: Mondays and Wednesdays, 2:30-3:45

## Instructor

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## **Course Description**

The United States Supreme Court is entrusted with deciding “all cases, in law and equity arising under this Constitution” according to Article III. In practice, this is the basis for “judicial review,” or the Court’s power of deciding whether or not a federal or state law is constitutional. But the Court does not simply rule on these questions: of all the institutions of government, only the Judiciary is expected to publicly explain its decisions – to allow reason and persuasion to be its determining force, rather than political or financial power. It therefore aims only to speak truth about the nature of law, of government, and of the rights and liberties of individual citizens. This course is a study in the rulings of the Court’s most important opinions on government power since the time of the Founding. We will devote attention to institutions, specifically Congress, the presidency, national and state governments, and how they work in a constitutional system. Students will examine the structure and reasoning of major opinions, and understand how the various judicial theories determine the outcome of cases. We will consider the major personalities that have occupied the Court since its creation, and their unique contributions to the judicial craft; we will see how the Judiciary has evolved through the course of its history, both in its understanding of the law and its own power to judge. Overall, students will gain a strong understanding of the evolving and conflicting meanings of constitutionalism in a case simulation, and experience what the federal judiciary means for American political life.

## **Course Requirements and Grading**

Grades for the course will be based on the following:

- **Participation (30%).** Participation includes the following:
  - **Reading Questions (10%).** Be prepared to answer questions on the readings (mostly the cases). Inability to answer questions about the text or not having the book will result in the loss of a participation point. Unexplained absences will also result in the loss of a point.
  - **Report on a Supreme Court Justice (10%).** Give a brief 5-minute report on an important Supreme Court justice. There will be a prompt.
  - **Simulation (10%).** Be part of a simulation of the oral arguments for a current Supreme Court case.
- **Midterm Exam (20%).** This is an exam on the terms, basic concepts, and readings on Weeks 1-5 of the course. There will be a study session.
- **Final Exam (20%).** This is an exam on the terms, basic concepts, and readings on the second half of the course. There will be a study session.
- **Research Essay I (30%).** This is a 12-14+ page research essay on a topic of your choice in Constitutional Law. There will be a prompt. Incorrect footnote and bibliographic citations will not receive higher than a B+.

## Required Text

Students are required to own the following text:

- Rossum, Ralph, and Tarr, Alan. *American Constitutional Law*. Volume I. Boulder: Westview Press, 2014.

## 2014-2015 Disability Services Statement

The Office of Disability and Learning Services provides reasonable accommodations for students who need assistance with learning, and for students with disabilities. Reasonable accommodations are established through an interactive process between you, your professor(s) and Disability and Learning Services. If you have a temporary or permanent disability that requires accommodations (this can include but not limited to attention-related, learning, mental health, vision, hearing, physical or other health impairments), please contact the Office of Disability and Learning Services at 714-619-6484 or [disabilityservices@vanguard.edu](mailto:disabilityservices@vanguard.edu).

## Academic Integrity

Plagiarism, or the use of someone else's text without quotes and proper citation, is considered a violation of the university's standards of academic integrity and will be grounds for serious disciplinary action. A first offense will be an F on the assignment; a second offense will be an F in the class and a referral to the Dean.

## Class Schedule

### I. Introduction to the Federal Judiciary

#### Week 1 – Interpretation of the Constitution

##### August 25

Introduction

##### August 27

*American Constitutional Law*, Chapter 1 (pp. 1-24)

#### Week 2 – Constitutional Adjudication

##### September 1

Labor Day – No Class

##### September 3

*American Constitutional Law*, Chapter 2 (pp. 25-44)

#### Week 3 – The Judicial Power

##### September 8

*American Constitutional Law*, Chapter 3 (pp. 47-67)

##### September 10

*Marbury v. Madison* (1803) (pp. 72-75); *Cooper v. Aaron* (1958) (pp. 79-82)

#### Week 4 – The Judicial Power (continued)

##### September 15

*Plaut v. Spendthrift Farm Inc.* (1995); *Lujan v. Defenders of Wildlife* (1995); *Hein v. Freedom from Religion Foundation* (2007)

##### September 17

*Luther v. Borden* (1849); *Baker v. Carr* (1962); *Deshaney v. Winnebago* (1989)

## II. Institutions

### Week 5 – The Legislative Branch

#### September 22

*American Constitutional Law*, Chapter 4; *McCulloch v. Maryland* (1819); *Powell v. McCormack* (1969)

#### September 24

*U.S. Term Limits v. Thornton* (1995); *Mistretta v. U.S.* (1989); *INS v. Chadha* (1989)

### Week 6 – The Executive Branch

#### September 29

*American Constitutional Law*, Chapter 5; *Clinton v. City of New York* (1998); *Myers v. U.S.* (1926)

#### October 1

*U.S. v. Nixon* (1974); *Clinton v. Jones* (1997); *Youngstown v. Sawyer* (1952)

### Week 7 – War and Foreign Affairs

#### October 6

*American Constitutional Law*, Chapter 6; *Prize Cases* (1863); *U.S. v. Curtis-Wright Export Corporation* (1936); *Medellin v. Texas* (2008)

#### October 8

*Ex Parte Milligan* (1866); *Korematsu v. U.S.* (1944); *Ex Parte Quirin* (1942)

### Week 8 – War and Foreign Affairs (continued)

#### October 13

PATRIOT Act (2001); Detention, Treatment and Trial of Non-Citizens in the War on Terror (2001); *Hamdi v. Rumsfeld* (2004); *Boumediene v. Bush* (2008)

#### October 15

Exam

**Midterm Exam – October 15**

## III. State and National Government

### Week 9 – Federalism

#### October 20

*American Constitutional Law*, Chapter 7; *Cohens v. Virginia* (1821)

#### October 22

*New York v. U.S.* (1992); *Printz v. U.S.* (1997)

### Week 10 – National Power

#### October 27

*American Constitutional Law*, Chapter 8; *Gibbons v. Ogden* (1924); *United States v. E.C. Knight* (1895)

#### October 29

*Hammer v. Dagenhart* (1918); *NLRB v. Jones & Laughlin Steel Corporation* (1937); *Wickard v. Filburn* (1941)

**Week 11 – National Power (continued)**

**November 3**

*Heart of Atlanta Motel v. U.S.* (1964); *United States v. Lopez* (1995); *Gonzalez v. Raich* (2005)

**November 5**

*United States v. Kahriger* (1953); *United States v. Butler* (1963); *National Federation of Independent Businesses v. Sebulius* (2012)

**Week 12 – The Constitution and Native American Tribes**

**November 10**

*American Constitutional Law*, Chapter 10; *Cherokee Nation v. Georgia* (1831); *Worcester v. Georgia* (1832)

**November 12**

*United States v. Lara* (2004); *Plains Commerce Bank v. Long Family Land and Cattle Company* (2008); *California v. Cabazon Band of Mission Indians* (1987)

**IV. Contract and Economic Due Process**

**Week 13 – The Contract Clause**

**November 17**

*American Constitutional Law*, Chapter 11; *Fletcher v. Peck* (1810); *Dartmouth College v. Woodward* (1819)

**November 19**

*Home Building and Loan Association v. Blaisdell* (1934); *United States Trust Company v. New Jersey* (1977); *Buffalo Teachers Federation v. Tobe* (2006)

**Week 14 – Economic Due Process and the Takings Clause**

**November 24**

*Slaughterhouse Cases* (1873); *Munn v. Illinois* (1877)

**November 26**

Thanksgiving

**Week 15 – Economic Due Process and the Takings Clause (continued)**

**December 1**

*Lochner v. New York* (1905); *West Coast Hotel v. Parrish* (1937); *Williamson v. Lee Optical Company* (1995)

**December 3**

*United States v. Caroline Products* (1938); *Kelo v. City of New London* (2005); *Nollan v. California Coastal Commission* (1987)

**Week 16 – Case Simulation**

**December 8**

Simulation

**Final Exam – Friday, December 12, 3:30-5:30pm**