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Spring 2016

PSCI 273--U.S. Con Law: Govt Powers

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Pol Science 273
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Office Hours: Office Hours: MW 10-10:45am, T 2-3pm

Spring 2016

Con Law: Government Powers
Office Phone: 508-793-7233
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Required Books:

Fisher, Louis and Katy Harringer, American Constitutional Law, Volume 1, Constitutional Structures, 11th edition. 2016. Carolina Academic Press.

Barron and Dienes, Constitutional Law in a Nutshell, 8th edition. West.

All books are available at the university bookstore and are on closed reserve at Goddard library.

Level of Course:

This course is an upper level course which assumes a basic understanding of American government or American history, and counts for both majors. The course also counts for the Law and Society Concentration. An understanding of the U.S. courts is certainly helpful, but is not required for this course. Except for students with exceptional backgrounds, it is not recommended for first year students. Graduate students will be expected to complete a research paper in addition to the regular undergraduate requirements.

Exams and Grading:

5 Minute Oral Presentation of a Case	15%
3 Type-Written Case Briefs (2 page limit in a paragraph format). Due before case is discussed in class.	25%
In-class all essay Midterm	25%
In-class Final Examination	35%

Case Briefs and Presentations: Dates and cases for oral presentations will be assigned early in the semester. The students can choose any cases presented in full in the textbook for the written case briefs, but the written briefs are due before the case is discussed in class. The best practice is to hand in the written brief at the beginning of the class on the same day that case will probably be discussed. Students cannot write a written brief on the same case that they will present orally. The written case briefs cannot exceed 2 typed pages, double spaced with a 12 point font in a paragraph (essay) format. The information necessary for the written and oral briefs can be found at the end of the syllabus, although I prefer that the written briefs be in paragraph format instead of the outline format shown in the reprint from another con law textbook. For the oral presentation and written case briefs, you should probably read the full case.

EXPECTATIONS of STUDENTS: In order to get their money's worth and have fun with this class, students should want to work hard and think hard. Thus I assume all students will always attend class and complete all reading and other assignments on time. It is essential that you read the cases before they are discussed in class. No late written case briefs will be accepted after the case is discussed in class. Students must contact the professor before the due date concerning problems with exams or oral presentations. Leave a voicemail message if you can't reach me personally or try me via email. Class participation and attendance will weigh heavily in deciding borderline grades. Make-up exams will be given only under extraordinary circumstances. No electronics in class without permission, please.

Readings and Assignments:

Introduction to Constitutional Law – January 19

Organization of the U.S. Court Systems (state v. fed courts; trial v. appellate courts) – Jan 21

Fisher: Introduction, and pp 1-12, 16-29, 109-133

Nutshell: pp. 1-3, 13-19

Reserve Reading: Justices on the Job

Reserve Reading: Down the Memory Hole

Reserve Reading: It's All Right with Sam

Reserve Reading: Supreme Court and the Politics of Fear

Reserve Reading: Law and Symbolism at the Supreme Court

Judicial Review, the Federalist Papers, and Judicial Activism & Restraint – Jan 26

Fisher: pp 31-69, 135-158, 457-465

Nutshell: pp. 7-12, 19-26

Reserve Reading: Polarized Court

Reserve Reading: A Conservative's Road to Same-Sex Marriage Advocacy

Reserve Reading: Three Justices Bound by Beliefs, Not Just Gender

Reserve Reading: Roberts Court's Surprising Move Leftward

Reserve Reading: Illusion of a Liberal Supreme Court

Threshold Requirements – Jan 28, Feb 2

Fisher: pp 12-16, 71-107

Nutshell: pp 26-74

Read on-line: *Hollingsworth v. Perry* (2013) on standing issue.

Read on-line: *Arizona Christian School v Winn* (2011) on taxpayer standing.

First case brief is due on or before Thursday Feb 4

Separation of Powers: Appointments – Feb 4, 9

Fisher: pp 159-166, 182-198

Nutshell: pp 163-165, 175-182

Reserve Reading: Tragedy or Triumph

Separation of Powers and the Congress – Feb 11, 16, 18

Fisher: pp 166-168, 201-230, 238-246, 466-470

Nutshell: pp 75-81, 639-640

Trip to Visit the U.S. Supreme Court and other federal judicial agencies – Feb 28-29 (by application only).

Separation of Powers and the President – Feb 23, March 1

Fisher: pp 168-171, 233-238, 452-457

Nutshell: pp. 166-175, 195-201

Midterm – Thursday March 3 (tentative date)

Presidential War Powers and Foreign Affairs – March 15, 17

Fisher: pp 249-311

Nutshell: pp 183-195

Federalism and the Commerce Clause – March 22, 24, 29, 31

Fisher pp 313-364

Nutshell: pp 75-101, 113-122

Second case brief is due on or before Thursday March 24

Spending, Taxing, and Preemption Powers – April 5, 7

Fisher: pp 366-397

Nutshell: pp. 101-113, 123-162

Read on-line: Arizona v. Tribal Council (2013)

The Contract Clause – April 12

Fisher: pp 399-413

Nutshell: pp 203-210

Third case brief is due on or before Tuesday April 19

The Takings Clause – April 14, 19

Fisher: pp 413-425

Nutshell: pp. 225-235, 274-278

Economic Substantive Due Process – April 21, 26

Fisher: pp 425-445

Nutshell: pp 216-225

Efforts to Curb the Court – April 28

Fisher: pp 445-479

Reserve Reading: Chpt 19 by Miller from Exploring Judicial Politics book

Final Examination – Monday May 9, 1:30-3:30pm

Oral Presentation Check List - Con Law: Govt Powers
Professor Mark C. Miller

Name of Student _____

Substance of the Case

Name of case, year, vote

Facts of case

Legal or constitutional question

Outcome of the case

Reasoning of the majority opinion

Reasoning of the concurrences

Reasoning of the dissent(s)

Why is this case important for future courts?

Overall understanding of the case

Oral Presentation Skills

Understandable speaking and diction

Appropriate volume and pace

Eye contact with audience

Appropriate posture and gestures, etc.

Logical order of presentation

Ability to answer questions

Overall presentation skills

GRADE _____