

**Political Science 4020**  
**Constitutional Law**  
**Fall 2018**

Professor: John Boersma  
Office: 332 Stubbs Hall  
Class Time: MWF 12:30–1:20pm  
Office Hours: MW 1:30–2:30pm and by appointment  
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**I. Course Description**

This is a course about constitutional law, focusing on the powers and structure of the government. We will cover two major topics: First, the separation of powers between the three branches of the federal government—legislature, executive, judiciary. Second, federalism, which is the division of power between the national government and the states (and sometimes between the states themselves).

Ultimately, the goal of this course is for you to understand three things: (1) the Constitution itself, including what it says and what it leaves undecided; (2) our constitutional tradition, including important precedents both inside and outside the courts; and (3) how to make constitutional arguments, which include appeals to text, structure, historical purpose, precedent or practice, and policy. As you will discover, constitutional arguments must appeal to specific kinds of authority to work effectively.

**II. Required Texts**

The casebook for this class is Paulsen, Calabresi, McConnell, & Bray, *THE CONSTITUTION OF THE UNITED STATES* (2nd ed. 2010)

**III. Website**

A Moodle website for the course will provide access to any supplemental reading assignments that will be required (i.e., readings not found in your case book), include details on exams and assignments, and record your grades.

#### **IV. Assignments**

Attendance and Participation:	10%
Quizzes:	20%
Midterm Test:	25%
Case Brief:	15%
Cumulative Final Exam:	30%

#### **V. Grading Scale**

<b>A+: 97-100</b>	<b>A: 93-96</b>	<b>A-: 90-92</b>
<b>B+: 87-89</b>	<b>B: 83-86</b>	<b>B-: 80-82</b>
<b>C+: 77-79</b>	<b>C: 73-76</b>	<b>C-: 70-72</b>
<b>D+: 67-69</b>	<b>D: 63-66</b>	<b>D-: 60-62</b>
<b>F: 59&gt;below</b>		

## VI. Schedule

### *Intro. and Constitutional History*

Aug. 20 Syllabus and Introduction to Constitutional Law

Aug. 22 Creating the Constitution

Read:

- Articles of Confederation
- Constitution of the United States of America: p. 1 – 15
- Case Book: p. 18 – 31

Aug. 24 Controversies and Interpretive Approaches

Read:

- Barron v. Baltimore (p. 52 – 61)
- District of Columbia v. Heller (p. 1221 – 1235)

### *The Power of Judicial Review*

Aug. 27 Judicial Review

Read:

- Case book: 150 – 164
- Marbury v. Madison (p. 164 – 173)

Aug. 29 Judicial Review

Read:

- Review: Marbury v. Madison (p. 164 – 173)

Aug. 31 NO CLASS – APSA

Sept. 3 NO CLASS – Labor Day

Sept. 5 Judicial Supremacy

Read:

- Supplement (p. 1 – 21)

### *Article One*

Sept. 7 Legislative Power

Read:

- Youngstown Sheet & Tube Co. Sawyer (p. 202 – 218)

Sept. 10 Legislative Power

Read:

- Field v. Clark: (p. 245 – 250)
- Mistretta v. United States (p. 250 – 259)

Sept. 12 Legislative Power

Read:

- Powell v. McCormack 259 – 265
- United States Term Limits Inc. v. Thornton (p. 266 – 281)

Sept. 14 Legislative Power

Read:

- 282 – 284
- Kilbourn v. Thompson (p. 285 – 289)
- McGrain v. Daugherty (p. 289 – 292)

Sept. 17 Legislative Power

Read:

- INS v. Chadha (p. 301 – 310)
- Clinton v. City of New York (p. 313 – 321)

Sept. 19 Legislative Power

Read:

- United States v. Brown: (p. 322 – 332)
- Calder v. Bull: (p. 334 – 342)

## *Article Two*

Sept. 21 Executive Power

Read:

- *Case Book*: 346 – 358
- *In re Neagle* (p. 360 – 371)

Sept. 24 Executive Power

Read:

- Supplement: *Buckley v. Valeo* (p. 7 – 15)
- Supplement: *National Labor Relations Board v. Noel Canning* (p. 15 – 33)

Sept. 26 Executive Power

Read:

- Review: *NLRB v. Noel Canning*

Sept. 28 Executive Power

Read:

- Supplement: *United States v. Cox* (p. 2 – 9)
- Supplement: *Karl R. Thompson, Memorandum* (p. 13 – 19)

Oct. 1 Executive Power

Read:

- *Myers v. United States* (p. 398 – 411)
- *Humphrey's Executor* (p. 412 – 415)

Oct. 3 Executive Power

Read:

- Supplement: *Morrison v. Olson*

October 5 – NO CLASS – Fall Holiday

Oct. 8 TEST

Oct. 10 Executive Power

Read:

- *United States v. Curtiss-Wright Export Corp.*
- Supplement: *Zivotofsky v. Kerry*

Oct. 12 Executive Power

Read:

- *Missouri v. Holland* (p. 501 – 503)
- *Dames & Moore v. Regan* (p. 486 – 491)
- *Goldwater v. Carter* (p. 491 – 500)

Oct. 15 Executive Power

- Review: *Goldwater v. Carter* (p. 491 – 500)

Oct. 17 Executive Power

Read:

- *Case Book*: 505 – 530

Oct. 19 Executive Power

Read:

- *Korematsu v. United States* (p. 530 – 542)
- *Ex parte Quinn* 543 – 553

Oct. 22 Executive Power

Read:

- *Boumediene v. Bush* (p. 554 – 564)

Oct. 24 Executive Power

Read:

- Supplement: pp. 1 – 19

## *Article Three*

Oct. 26 Judicial Power

Read:

- *Luther v. Borden* (p. 580 – 591)

Nov. 30 Article IV

Read:

- Case Book: 867 – 893

December 6 – Final Exam

Thursday Dec. 6 @ 7:30 – 9:30 AM