

Constitutional Law

POLS 283

Meeting Times: T & TR 12:30 P.M. - 1:45 P.M.

Instructor

Professor Ali Masood

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Office Hours: Thursday 1:45 - 3 P.M. or by Appointment

Course Overview

This course is designed to familiarize students with key concepts and developments in constitutional law within the United States. This course will provide an in-depth engagement with the U.S. Constitution, with an emphasis on institutional powers including the interactions between national and state governments. More specifically, this course will focus on how the U.S. Supreme Court considers, interprets, and establishes legal policy. In addition, the course will explore doctrinal development based on landmark decisions rendered by the U.S. Supreme Court in areas involving executive and legislative authority, separation of powers, federalism, commerce, contracts, takings, and due process. This course is designed to be reading and writing intensive.

Learning Outcomes

Upon completing this course, students will:

1. Develop an understanding of how the Supreme Court operates when it reviews questions of constitutionality.
2. Learn specific areas of constitutional law (including governmental authority, separation of powers and federalism) and the cases associated with specific legal doctrine.
3. Develop and refine the skills necessary to understand Supreme Court opinions.
4. Learn to think critically, analytically, and systematically about constitutional issues.
5. Learn to articulate arguments in response to specific legal questions with well-reasoned legal justifications.
6. Enhance oral and written communications skills through classroom discussion and writing assignments.
7. Develop effective teamwork skills for collaborative work while demonstrating respect and value for a diversity of opinions, viewpoints, and perspectives.

Required Textbook

The textbook listed below is available online and at the campus bookstore:

- ★ Epstein, Lee and Thomas G. Walker. 2019. *Constitutional Law for a Changing America: Institutional Powers and Constraints*, 10th Edition. Washington, DC: CQ Press

Recommended Texts

- ★ Baum, Lawrence. 2013. *The Supreme Court*, 13th Edition. CQ Press.
- ★ Segal, Jeffrey A., Harold J. Spaeth, and Sara C. Benesh. 2005. *The Supreme Court in the American Legal System*. Cambridge University Press.

Required Slack Account

This class will use Slack for class-related communication. All students are required to join the course using their college email address. The Slack channel for the course is titled: conlaw-spring2021. You will receive an email prompt to join.

Zoom Remote Class

We may need to conduct our class remotely through Zoom Video if campus is closed. If the class becomes remote, students are required to have their video on in order to participate. If you have not already done so, please register and install the Zoom video application on your device. The Zoom meeting information for the class is as follows:

Meeting ID: 976-7130-5165 Passcode: 283

Course Structure and Evaluation

In this course, we will engage in a variety of activities, including lecture-based discussion and critical evaluation of the readings. Over the course of the semester, students in this course will be evaluated on the following: attendance and participation, case briefs, simulation, a midterm, and a final exam.

Attendance and Participation

Regular on-time attendance to class is expected from each student. Attendance includes reading the assigned material for the session as well as adequately preparing for the discussion of the material in class. Each student is allowed two absences without penalty.

Case Briefs

Each student will complete two case briefs in this course. Instructions for preparing a case brief are appended to this syllabus. The briefs must be original work, without the use of online and published case briefs. This assignment is designed to aid reading comprehension and retention, introduce legal writing, and prepare for exams. Creating case briefs for each case is highly recommended as a study technique for quiz and exam preparation. All assignments should be typed on standard letter and saved as a PDF.

Moot Court

Students will participate in a moot court simulation in this course. Each student will randomly be assigned as a petitioning attorney, a respondent attorney, a Supreme Court justice, or a Supreme Court clerk. Students will be evaluated based on their preparation and writeup. More information on the simulation will be provided in class.

Midterm and Final Examination

There will be a midterm and a final exam in this class. The exams are designed to test the student's knowledge and comprehension of assigned readings and the discussion in class. Thus, it is worth reiterating the importance of completing your reading and attending class regularly. The exams will consist of essay-based questions and hypothetical prompts. Make-up examinations are only offered when there is documented proof of a medical emergency that is excused by the professor. In the event of such a medical emergency, a student may be given an essay make-up exam or the professor may substitute a student's score on the cumulative portion of the final exam for the missed exam. This decision is at the discretion of the instructor. In such an event, the student must contact the instructor as soon as it is practical to do so. If a student fails to appear for an exam for any other reason a grade of zero will be recorded. Students should be aware that I do not give *incompletes* in this class. In addition, no late assignments or exams will be accepted.

General Expectations

Each student is expected to regularly attend class, arrive on-time, and leave only after the instructor has adjourned the day's session. Students are expected to be cordial with each other and the instructor to facilitate a good learning environment. Students with concerns relating to the classroom environment should bring them to the instructor's attention.

Accommodations

Students requiring accommodations should contact the Office of Student Accessibility Services at 901-843-3885, so that appropriate arrangements can be made. Students should also bring any request for reasonable accommodation to the attention of the instructor.

Honor Code

Students should familiarize themselves with the Rhodes College Honor Code and policy for academic integrity. All work in this course is expected to be completed by the student submitting the work. Academic dishonesty, in any form, will not be tolerated. Students who engage in academic dishonesty will receive a grade of zero for the work. In addition, the student may also receive a failing grade for the course. Violations of the Honor Code may result in additional sanction including expulsion from the college.

Grade Appeals

Instructors occasionally make a mistake in grading. If a student wishes to appeal their grade, a written (typed) appeal must be submitted with the original graded work. Successful appeals will clearly identify specific mistakes made in the original grading.

Grade Distribution

Attendance & Participation	20%
Case Briefs	10%
Simulation Assignment	20%
Midterm Examination	20%
Final Examination	30%

Grading Scale

100 - 93.00	A	76.99 - 73.00	C
92.99 - 90.00	A-	72.99 - 70.00	C-
89.99 - 87.00	B+	69.99 - 67.00	D+
86.99 - 83.00	B	66.99 - 63.00	D
82.99 - 80.00	B-	62.99 - 60.00	D-
79.99 - 77.00	C+	<= 59.99	F

Syllabus Amendments

Over the course of the semester, amendments to the syllabus may become necessary. The instructor reserves the right to amend the syllabus at any point during the semester. In the event of an amendment, students will be notified electronically.

Course Schedule

The schedule of courses is listed on the following page also lists the reading assignment for the session. The readings are listed by the class date prior to which they should be completed. Students should complete the reading assignments in their entirety. Students should make note of two important points. First, this course is reading intensive. Second, the readings listed below are required readings for the course – they are not optional. It is critical that students come to class prepared to discuss the material.

	Content
Week 1	
Thr 1/28	<ul style="list-style-type: none"> ★ Course Introduction & Overview ★ Reading assignment: None
Week 2	
Tue 2/2	<ul style="list-style-type: none"> ★ U.S. Supreme Court Procedure ★ Reading assignment: (Epstein and Walker 1-53)
Thr 2/4	<ul style="list-style-type: none"> ★ Institutional Authority and the Judiciary ★ Cases: <i>Marbury v. Madison</i> (Epstein and Walker 54-69)

Week 3	
Tue 2/9	<ul style="list-style-type: none"> ★ The Judiciary and Threshold Requirements ★ Cases: <i>Martin v. Hunter's Lessee</i>, <i>Cohens v. Virginia</i> (Available Online), <i>Eakin v. Raub</i> (Epstein and Walker 51-89) ★ Assignment: First Case Brief Due
Thr 2/11	<ul style="list-style-type: none"> ★ The Judiciary and Threshold Requirements continued ★ Cases: <i>Ashwander v. TVA</i>, <i>Ex parte McCordle</i>, <i>Flast v. Cohen</i> (Epstein and Walker 90-114)
Week 4	
Tue 2/16	<ul style="list-style-type: none"> ★ The Legislative Branch ★ Cases: <i>Powell v. McCormack</i>, <i>U.S. Term Limits v. Thornton</i>, <i>Gravel v. United States</i> (Epstein and Walker 119-177)
Thr 2/18	<ul style="list-style-type: none"> ★ The Legislative Branch continued ★ Cases: <i>Watkins v. United States</i>, <i>Barenblatt v. United States</i> (Epstein and Walker 159-181)
Week 5	
Tue 2/23	<ul style="list-style-type: none"> ★ The Executive Branch (Domestic Authority) ★ Cases: <i>Clinton v. City of New York</i>, <i>Morrison v. Olson</i>, <i>Myers v. United States</i> (Epstein and Walker 181-260)
Thr 2/25	<ul style="list-style-type: none"> ★ The Executive Branch (Domestic Authority) continued ★ Cases: <i>Humphrey's Executor v. United States</i>, <i>United States v. Nixon</i>, <i>Clinton v. Jones</i>, <i>Schechter Poultry Corp. v. United States</i>
Week 6	
Tue 3/2	<ul style="list-style-type: none"> ★ Spring Break (No Class)
Thr 3/4	<ul style="list-style-type: none"> ★ The Executive Branch (Foreign Affairs) ★ Cases: <i>The Prize Cases</i>, <i>Ex parte Milligan</i>, <i>Ex parte Quirin</i>, <i>Korematsu v. United States</i> (Epstein and Walker 284-332) ★ Assignment: Second Case Brief Due
Week 7	
Tue 3/9	<ul style="list-style-type: none"> ★ The Executive Branch (Foreign Affairs) continued ★ Cases: <i>United States v. Curtiss-Wright Export</i>, <i>Youngstown Sheet & Tube v. Sawyer</i>
Thr 3/11	<ul style="list-style-type: none"> ★ The Executive Branch (Foreign Affairs) continued ★ Cases: <i>Hamdi v. Rumsfeld</i> (Available Online), <i>Hamdan v. Rumsfeld</i>

Week 8	
Tue 3/16	<ul style="list-style-type: none"> * Catch Up & Midterm Review * Midterm Exam Distributed
Thr 3/18	<ul style="list-style-type: none"> * Midterm Exam Due
Week 9	
Tue 3/23	<ul style="list-style-type: none"> * Federalism * Cases: <i>McCulloch v. Maryland</i>, <i>Hammer v. Dagenhart</i>, <i>National League of Cities v. User</i>, <i>Garcia v. San Antonio Metro. Transit Authority</i> (Epstein and Walker 341-403)
Thr 3/25	<ul style="list-style-type: none"> * Federalism continued * Cases: <i>Hammer v. Dagenhart</i>, <i>New York v. United States</i>, <i>Missouri v. Holland</i>
Week 10	
Tue 3/30	<ul style="list-style-type: none"> * Federalism continued * Cases: <i>Chisholm v. Georgia</i> (Available Online), <i>Seminole Tribe of Florida v. Florida</i> (Available Online), <i>Arizona v. United States</i>
Thr 4/1	<ul style="list-style-type: none"> * Easter Recess (No Class) * Moot Court Packet Distributed
Week 11	
Tue 4/6	<ul style="list-style-type: none"> * Moot Court Overview
Thr 4/8	<ul style="list-style-type: none"> * Moot Court & Team Meetings
Week 12	
Tue 4/13	<ul style="list-style-type: none"> * Moot Court Debrief & Discussion
Thr 4/15	<ul style="list-style-type: none"> * Midwest Political Science Conference (No Class) * Assignment: Moot Court Assignment Due
Week 13	
Tue 4/20	<ul style="list-style-type: none"> * Commerce Clause * Cases: <i>Gibbons v. Ogden</i>, <i>U.S. v. E. C. Knight Co.</i>, <i>Stafford v. Wallace</i>, <i>Carter v. Carter Coal Co.</i> (Epstein and Walker 405-449)
Thr 4/22	<ul style="list-style-type: none"> * Commerce Clause continued * Cases: <i>NLRB v. Jones & Laughlin Steel Corp</i>, <i>United States v. Darby Lumber</i>, <i>Wickard v. Filburn</i>, <i>Champion v. Ames</i>, <i>Heart of Atlanta Motel v. United States</i> (Epstein and Walker 450-462)

Week 14	
Tue 4/27	<ul style="list-style-type: none"> ★ Commerce Clause continued ★ Cases: <i>United States v. Lopez</i>, <i>United States v. Morrison</i>, <i>Gonzales v. Raich</i>, <i>National Federation of Independent Business v. Sebelius</i> (Epstein and Walker 463-493)
Thr 4/29	<ul style="list-style-type: none"> ★ Commerce Clause continued ★ Cases: <i>Cooley v. Board of Wardens</i>, <i>Southern Pacific Railroad Co. v. Arizona</i>, <i>Granholm v. Heald</i> (Epstein and Walker 494-513)
Week 15	
Tue 4/21	<ul style="list-style-type: none"> ★ Substantive Due Process ★ Cases: <i>The Slaughterhouse Cases</i>, <i>Munn v. Illinois</i>, <i>Lochner v. New York</i>, <i>Muller v. Oregon</i> (Epstein and Walker 617-646)
Thr 4/23	<ul style="list-style-type: none"> ★ Substantive Due Process continued ★ Cases: <i>Nebbia v. New York</i>, <i>West Coast Hotel v. Parrish</i>, <i>Williamson v. Lee Optical</i> (Epstein and Walker 650-661)
Week 16	
Tue 4/27	<ul style="list-style-type: none"> ★ Takings Clause ★ Cases: <i>United States v. Causby</i>, <i>Penn Central Transportation Co. v. City of New York</i>, <i>Berman v. Parker</i>, <i>Hawaii Housing Authority v. Midkiff</i>, <i>Kelo v. City of New London</i> (Epstein and Walker 663-695)
Thr 4/29	★ Course Wrap Up & Review Session
Week 17	
Tue 5/5	★ Final Exam Due

How to “Brief” a Case

All students are encouraged to take notes on each case in the form of a “brief.” Taking notes following the outline below will not only help you understand the essential points of each case, but they will also assist you in preparing for the exams. Success in this course can be greatly enhanced by following the guidelines below.

1. **Background Information and Case Facts:** Note the litigants in each case as well as the citation of the case. State the facts of a particular case in as much detail as possible and necessary. Be sure to include key statutes or portions of the Constitution that are at issue.

2. **Central Issues:** State the central issue(s) in the case in the form of a question that can be answered “yes” or “no.” For instance,

(a) Is it legitimate for a state to ban all abortions in public hospitals?

(b) Does the President of the United States have absolute immunity from all civil suits?

3. **Why:** Why did the Court decide the case this way? Here you should note the reasons given by the majority for their decision. Take careful note to make sure the opinion is a majority opinion and not a plurality opinion. A majority opinion is one agreed to by a majority of the Court, whereas a plurality opinion is one agreed to by more justices than agree with another opinion. You should note which justices join the majority (or plurality) opinion.

4. **Other Opinions:** Is there a concurring opinion (or more than one) or a dissenting opinion (or more than one)? A concurring opinion is one where a justice agrees with the outcome of a particular case but disagrees with the reasons given by the Court. A dissenting opinion is one where the justice disagrees with the outcome of the case and writes to express this disagreement. You should note what these opinions say. You should also note if other justices join a concurring opinion or dissenting opinion.

5. **Principles of Law:** You should try to summarize the principles of law in the case in one statement. For example, in (b): The President of the United States is absolutely immune from civil suits concerning his activities as President.

6. **Put the Case in Perspective:** Put the case in context: How is it similar to previous cases on the issue? How does it differ? Did the Court overrule a previous decision (precedent) or did it just not extend a previous ruling? What are the implications of the Court’s decision? That is, how will this case affect future rulings?