

BRADLEY UNIVERSITY
DEPARTMENT OF POLITICAL SCIENCE

Political science 459
Reading assignments

Fall, 2005

Mr. Lermack

This is a course in the constitution. In this first half, we deal with the powers of governments. The second half, PLS 460, deals with the rights of individuals.

The **teaching goals** are 1) to acquaint the student with the place of the Supreme Court in the national government; 2) to describe the Court's idiosyncratic decision making procedure; and 3) to trace some important legal concepts through American history.

There are also teaching goals not directly connected to the subject matter: 5) to expose the student to examples of legal reasoning, and 6) to help the student develop his or her powers of logical analysis.

Text: Ducat, Constitutional Interpretation, 8th ed. 2003, ISBN 0-534-61398-5

Method of Instruction will be the case method. Students are expected to read and outline the assigned cases before the day on which they will be discussed, and to come to class prepared to discuss them. **Regular attendance is required. The instructor will reduce the semester grade of any student with excessive unexcused absences (ordinarily, six or more) by one full letter grade.**

Grading will be on the basis of one comprehensive final exam which will count 40% of the semester grade; two midterms (25% each) and an assessment of classroom performance (10%). All exams will be essay-type and will require bluebooks. Students will be able to use their outlines, class notes and any other materials the contents of which they have prepared for themselves during the final exams. (But not during the midterms.)

Office hours (in Bradley Hall, room 488): Mon, 11-1 A.M.; Wed, 9-10 A.M.; Thurs., 1-2 P.M.; and by appointment: 677-2494 or pnl@bradley.edu

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READING ASSIGNMENTS

(Each section of cases, separated by a blank line, represents the reading assigned for one class period.)

I. Judicial Power

(Judicial review) Constitution, Article III, D-6
Marbury v Madison, 4-11

Eakin v Raub (dissent), 13-17
Notes, 1-4; 17-18

(Review of state cases) Martin v Hunter's Lessee, 19-23

(Limits: formal) Ex parte McCordle, 24-25
Notes, 25-27

(Questions of structure and appeal) Notes, 27-38

(Limits: self-imposed) Muskrat v U.S., 40-43
Notes, 38-40

(Mootness and ripeness) Note on Defunis and Sosna, 43-45
National Treasury Employees v U.S., 45-46
Doe v Bush, to be assigned

(Standing) Allen v Wright, 47-54
Los Angeles v Lyons, 54-56
Note on taxpayers' suits, 56-57
Newdow case, to be assigned

Political questions") Note, 57-60
Baker v Carr, 60-68
Bush v Gore, 68-74
Goldwater v Carter, 75-76
Note, 77-78

**First Exam
Friday, 23 September**

II. Federal Legislative Power

(In general) Constitution, Article I section 8,D-3
McCulloch v Maryland, 107-113

(Delegation) Hampton Co. V U.S., 129-132
Notes on Schechter and Panama Refining Co., 132-134
Clinton v New York, 147-153

(Investigations) Notes, 153-161

(Interstate commerce) Gibbons v Ogden, 278-283

(Regulation) Stafford v Wallace, 284-286
Shreveport Rate Case, 286-287
Lottery Case, 288-291
Note on Brooks case, 292

(The “local” limitation) Notes, 301-304 and 307-308
Hammer v Dagenhardt, 304-307
Review notes on Shechter and Panama Refining Co., 132-134
Carter v Carter Coal Co., 308-312
Notes, 312-314

(The New Deal revolution) N.L.R.B. v Jones-Laughlin Steel Co., 316-323
Note on U.S. v Darby, 323-324
Wickard v Filburn, 324-327

Heart of Atlanta Motel Case, 294-297
Katzenbach v McClung, 297-300

U.S. v Lopez, 328-332
Notes, 337-339
U.S. v Morrison, 332-337
Note on 11th Amendment, 339-341

(Tax power) Notes, 341-342
McCray v U.S., 342-345
Bailey v Drexel Furniture Co., 345-347
Note, 347-348
U.S. v Butler, 348-352

Steward Machine Co. V Davis, 353-357
Note, 357-358
South Dakota v Dole, 358-362

Second exam
About here

III. The Federal Executive

(Appointment and removal) Myers v U.S., 178-182
Note on Humphrey's Executor v U.S., 182-185
Morrison v Olson, 185-191

("Executive Privilege") Notes, 191-194
Articles of Impeachment, 219-221
Note, 218-219
U.S. v Nixon, 222-227
Cheney v District Court, to be assigned

Note on Clinton Impeachment Articles, 233-236
Nixon v Fitzgerald, 236-240
Note on Paula Jones lawsuit, 240-242

Note on Pardoning Power, 242-246
In re Subpoenas, 246-249

IV. Foreign Policy, War and Emergencies

Notes, 254-255
U.S. v Curtiss Wright Export Co., 256-258

Note on Crosby v. National Foreign Trade Council, 258-260
Review Goldwater v Carter,

Review Nixon Interview,
War Powers Resolution, 261-264
Dellums v Bush, 264-268
Note, 268-271

Ex parte Merryman, as assigned
Ex parte Milligan, 194-198
Note on military commissions, 198-201
Korematsu v U.S., 201-207

Hamdi v Rumsfeld, to be assigned
Rasul v Bush, to be assigned

Note, 207-209
Youngstown Steel v Sawyer, 209-217

(Treaties and compacts) Missouri v Holland, 126-127
U.S. v Belmont, 250-253
Note on Bricker Amendment, 127-128
Reid v Covert, as assigned

V. The Nation and the States

Review McCulloch v Maryland; Gibbons v Ogden
Jacobson v Massachusetts, 365-367
Notes, 367-369

Pacific Gas and Electric Co. V State Energy Commission, 369-374
Printz v US. 382-388
Edwards v California, 390-392

Cooley v Board of Wardens, 394-395
Note on police power, 395-397
Kassel v Consolidated Freightways, 397-404

Philadelphia v New Jersey, 404-408
Notes, 408-412

Final Exam
Tuesday 13 December
9-11 AM
Regular classroom