POLS 4501
Constitutional Law: Distribution of Powers
Fall 2014
Georgia Regents University

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Office: Allgood Hall, N308 Phone: (706) 667-4425
Office Hours: Tuesday 8:30-10:30am, Thursday 10:00am-12:00pm or by appointment

Class Time and Location:
Meets at 1:00-2:15pm on Thursdays in Allgood Hall E157

Required Text:
The text is available for purchase in the University Bookstore.
All other course materials will be made available in Desire2Learn.

Course Introduction/ Description:
Constitutional law encompasses the principles of the United States Constitution and how these
principles relate to the organization, powers, and limits of the government, as well as to the
relationship between the government and the American people. The most fundamental
principles include the rule of law, separation of powers, federalism, and individual rights. This
course will focus more on the institutional dimension of constitutional law, emphasizing judicial,
presidential, and congressional, as well as questions of federalism. We will also cover the
takings (also referred to as the just compensation) clause, and the due process clause to a limited
degree. Students interested in individual rights and liberties provided by the Constitution’s Bill
of Rights are encouraged to take POLS 4601 (Constitutional Law: Civil Liberties) upon
completion of this course.

Learning Outcomes:
By the end of the course, students will be able to do the following:
1) Speak intelligently about the major provisions of the U.S. Constitution and landmark Supreme Court decisions
2) Understand the history and development of U.S. Constitutional Law
3) Understand how the Constitution and Supreme Court decisions impact the relationships between political institutions
4) Understand how the Constitution and Supreme Court decisions impact principles of federalism

Class Structure, Attendance and Class Participation:
This course will employ three distinct methods of learning. The first method will be class lectures where I will attempt to cover material that would be too cumbersome or complex to cover in any other format. The second method, known as the case method, is common to many law related classes. This process requires all students to read and brief ALL the cases from the assigned chapter(s) of the textbook and come to class ready to actively present and discuss these
cases in class. Finally, each student will be required to prepare and present two cases that will include a more in-depth analysis of an assigned case in constitutional law. Each student will be assigned two cases to present in class. To prepare for the presentation, you will need to read the entire case (the full majority opinion, concurrences and dissents, you can find the cases online at findlaw, westlaw, lexis-nexis). For your presentation, you will be responsible for presenting the case to the class (explaining what you learned by reading the case in its entirety) and leading class discussion on the case. All other class members should have their own briefs prepared for the case from the excerpt in the text. Essentially, you will be the “expert” on your case. You will also turn in a typed copy of your brief for this case. It is NOT acceptable to merely stand in front of the class and read your brief aloud. You must be familiar enough with the case to speak with minimal notes and have class discussion questions prepared. The presentation and class discussion should be around 10 minutes. A detailed rubric will be provided on Desire2Learn for these presentations.

Since class participation will be a vital part of this course, regular attendance is expected. You are allowed two unexcused absences, each absence after that will lower your participation grade significantly. Once you have your fourth unexcused absence, you can be withdrawn from the course (and a WF will be assigned after the midterm). I will be taking attendance at the beginning of class. I reserve the right to treat late arrivals as absences, so BE ON TIME FOR CLASS! Cell phones and other electronics are to be turned OFF before entering the classroom.

It will be impossible to receive even a satisfactory grade in this course without attending regularly. ACTIVE participation is not only encouraged, but REQUIRED. All students will be expected to come to class prepared and have read all the assigned material (and briefed the relevant cases) for each class prior to the class meeting. Students will be called on at random and will be expected to answer the instructor’s questions in an enlightened and insightful manner. Students clearly unprepared will be asked to leave and will be counted as absent. If students are not adequately preparing for class, I reserve the right to begin collecting briefs randomly and counting them as part of your class participation grade.

ADA Compliance:
Students with any form of physical, emotional and/or learning impairment requiring accommodation should please inform the instructor and contact the Testing and Disability Services at 706-737-1469 (the TTY number is 706-667-4684) immediately.

Academic Dishonesty:
The university regulations regarding academic dishonesty including (but not limited to) cheating, plagiarism and credential misrepresentation will be strictly enforced. Plagiarism includes but not limited to the presentation of ideas, words, and techniques of someone without properly acknowledging the source. Further information on academic dishonesty and the penalties that go with it is available from the GRU Catalog under Student Rights and Responsibilities.
**Assignments and Grading:**
Your grade for this course will be based on three examinations, class participation and two presentations. The first and second exams are worth 25% of your course grade. The final exam will be worth 30% of your course grade. The remaining 20% of your course grade will be determined by your two presentations, class attendance, and class participation which may include collected briefs and quizzes if necessary.

The examinations will be comprised primarily of hypothetical fact patterns. You will have to answer questions regarding these fact patterns. Your answers should include application of relevant Constitutional provisions and case law studied in class. The examinations will be CLOSED book, but I will provide a list of cases covered in class for your use during the examination. You can also bring in a clean copy of the Constitution to the examinations.

I will not be giving make-up examinations. In cases of dire emergency, an *excused* absence for an examination will allow the student to take a different final exam that will count for 55% of the student’s grade. If you are absent on an exam day for an unexcused reason, you will receive a ZERO on the examination.
Course Schedule:

NOTE: The instructor reserves the right to alter any portion of this syllabus at any time. Students are responsible for any changes in the nature of timing of assignments and other schedules changes that may be announced in class.

Students are expected to read the material assigned for each lecture prior to the lecture, and be prepared to discuss in class issues raised by the materials. You must read and brief all cases that appear in the assigned readings.

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<tr>
<th>Date</th>
<th>Subject/Assigned Readings</th>
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<tr>
<td>August 19</td>
<td>Introduction to course</td>
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<tr>
<td>August 21</td>
<td>How to brief cases&lt;br&gt;The Constitution, pp.643-655</td>
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<td>August 26</td>
<td>Judicial Process, pp.26-44</td>
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<td>August 28</td>
<td>Judicial Review&lt;br&gt;Marbury v. Madison, pp.72-75&lt;br&gt;Eakin v. Raub, pp.77-79</td>
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<td>September 2</td>
<td>Judicial Review&lt;br&gt;Cooper v. Aaron, pp.79-82&lt;br&gt;Plaut v. Spendthrift Farm, Inc., pp.82-86&lt;br&gt;Marvin v. Hunter’s Lessee (<em>on Desire2Learn</em>)</td>
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<td>September 11</td>
<td>FIRST EXAMINATION&lt;br&gt;Please bring a blue book to class with you.</td>
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| September 16 | Legislative Branch pp.123-126  
Doctrine of Implied Powers  
*McCulloch v. Maryland* pp.136-141  
Power over Membership  
*Powell v. McCormack* pp.141-144  
*U.S. Term Limits, Inc. v. Thornton* pp.145-154 |
| September 18 | Legislative Branch pp.126-132  
Speech and Debate Clause:  
*Gravel v. United States* pp.154-156  
Congressional Investigations  
*McGrain v. Daugherty* pp.157-158  
*Watkins v. United States* pp.158-161  
Articles of Impeachment pp.161-164 |
| September 23 | Legislative Branch pp.132-134  
Delegation of Power  
*Schechter Poultry Corporation v. United States* pp.164-166  
*Mistretta v. United States* pp.166-170  
Legislative Veto  
*Immigration and Naturalization Service v. Chadha* pp.171-175 |
| September 25 | Executive Branch pp.177-182  
Grants of Power/Line Item Veto  
*Clinton v. City of New York* pp.188-195  
Appointment/Removal Powers:  
*Myers v. United States* pp.195-199  
*Morrison v. Olson* pp.199-203 |
| September 30 | Executive Branch pp.182-186  
Executive Privileges  
*United States v. Nixon* pp.203-206  
Executive Branch Immunities:  
*Clinton v. Jones* pp.206-208  
Prerogative Powers:  
*In Re Neagle* pp.208-210  
*Youngstown Sheet & Tube Company v. Sawyer* pp.210-215 |
| October 2    | Foreign Affairs pp.217-224  
*Prize Cases* pp.232-233  
*War Powers Resolution; Authorization for Use of Military Force* pp.233-235  
*United States v. Curtiss-Wright Export Corporation* pp.235-238 |
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| October 7    | Foreign Affairs pp.224-229  
Ex parte Milligan pp. 247-250  
Korematsu v. United States pp.250-254  
Hamdi v. Rumsfeld pp.266-276                                                                 |
| October 9    | SECOND EXAMINATION  
Please bring a blue book to class with you.                                                                                                           |
| October 14   | Federalism pp.297-310  
Cohen’s v. Virginia pp.326-330  
Baldwin v. Montana Fish and Game Commission pp.332-335  
Dred Scott v. Sandford pp.335-345                                                                 |
| October 16   | Federalism pp.310-317  
New York v. United States pp.346-352  
Printz v. United States pp.352-359  
Tennessee v. Lane pp.367-372                                                                 |
| October 21   | Commerce Clause pp. 382-385  
Constitutional Foundations of the Commerce Power  
Gibbons v. Ogden pp.395-399  
Defining Interstate Commerce  
United States v. E.C. Knight Company pp.399-401  
Hammer v. Dagenhart pp.401-403  
Revisit Schechter Poultry Corporation v. United States                                                                 |
| October 23   | Commerce Clause pp. 386-389  
The New Deal Revolution  
NLRB v. Jones & Laughlin Steel Corporation pp.403-405  
Aggregation Principle  
Wickard v. Filburn pp.406-407  
The Commerce Clause as an Instrument of Social Reform  
Katzenbach v. McClung (*on Desire2Learn*)  
Heart of Atlanta Motel v. United States pp.407-408                                                                 |
| October 28   | Commerce Clause  
Garcia v. San Antonio Metropolitan Transit Authority pp.408-416  
United States v. Lopez pp.416-420  
Gonzales v. Raich pp.420-426                                                                 |
| October 30   | Commerce Clause pp.389-393  
South Dakota v. Dole pp.431-433  
National Federation pp.434-446                                                                 |
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<tr>
<td>November 13</td>
<td>GPSA</td>
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<td>November 27</td>
<td>THANKSGIVING BREAK: NO CLASS</td>
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<td>December 2</td>
<td>Takings Clause&lt;br&gt;Tahoe-Sierra Preservation Co. v. Tahoe Regional Planning pp. 633-638&lt;br&gt;Dolan v. City of Tigard pp.638-641</td>
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<td>December 4</td>
<td>Review for Final Exam</td>
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<tr>
<td>December 9</td>
<td>FINAL EXAMINATION from 3:30-5:30pm&lt;br&gt;Please bring a blue book to class with you.</td>
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