I. CONTENT & OBJECTIVES

This course is an examination of the United States Constitution, as interpreted by the U.S. Supreme Court. It will focus on the authority of, and relationships between, the three branches of the federal government, the balance of power between the state and federal government, and the ability of the government to regulate economic activity. In covering these topics, we also will consider various theories of Constitutional interpretation, the influence of “extralegal” factors on judicial decision-making, and the role of the Supreme Court in the democratic process.

This course will be taught primarily using the “case method,” which uses specific cases to extract legal rules and larger legal principles. In this way, the course will be similar to what one might experience in law school, but with the workload and intimidation factor greatly reduced. As this is an undergraduate political science course, we also will explore the political context surrounding Court decisions as well as the role that ideological positions of the justices might (or might not) play in shaping their votes and opinions.

At the conclusion of the course, students will have a thorough understanding of the substance of many areas of constitutional law, as they have developed through time and as they are likely to develop in the future. Students will also be able to apply theories of judicial decision-making to evaluate the legal persuasiveness of the Court’s opinions and assess certain opinions for their political aspects and larger implications. Lastly, students will hone their critical thinking skills, as they must assess not only what the Supreme Court has done, but what it should have done, and must defend their positions from competing legal and political perspectives.

II. REQUIRED TEXTS

Each student must purchase/borrow:

I may assign additional material, particularly recent decisions by the Supreme Court. These materials will be distributed during class or posted on OAKS.

### III. EVALUATION

Grades will be based upon five elements: four examinations (three mid-terms and one final), five case briefs, and class participation. The contribution of each to your final grade is as follows:

- Exam #1: 15%
- Exam #2: 15%
- Exam #3: 15%
- Final Exam: 30%
- Case Briefs (5): 10%
- Class Participation: 15%

#### Examinations

Examinations will be closed-book and taken in class. They will be comprised of a mix of question types, including objective, short answer, and short essay. The short essay questions will be hypothetical cases to which students must apply the substantive law they have learned in class. As this is a skill students often find quite difficult to master, I will offer the option of a practice exam for those who wish to take it. This “exam” will be take home and its evaluation will not be part of your grade in the class.

Exams must be taken at the scheduled time, unless arrangements have been made with me at least 48 hours prior to the exam. Make-up exams will only be offered once and will be more difficult than the regular test.

#### Case Briefs

Students will be required to complete 5 case briefs (2-4 pages each) during the course of the semester. The cases may be of the student’s own choosing, but must be from among the cases with opinions excerpted in the book. I strongly advise students to complete the briefs either early in the semester or at regularly spaced intervals. To facilitate this, the five briefs must come from at least three different chapters in the book. You must also turn in your brief before the case is discussed in class. It is YOUR RESPONSIBILITY to ensure you have completed all five briefs by the final class session.

I will provide a handout with more instructions on case briefs.

#### Class Participation

The class participation element may be satisfied by in or out of class questions, or through other arrangements with the instructor. As discussion is central to the course,
however, I expect all students to come to every class having read and studied the material, ready to participate.

To ensure that all students have an equal opportunity for participation, I will be employing a modified version of the “Socratic method,” in which the student and I will engage in an in-class dialogue (lasting several minutes) about a particular case or set of cases. I use the term “modified” because students will know, in advance, when they are likely to be called upon. More specifically, beginning the second full week of class (January 22nd), I will be calling upon students in alphabetical order, by last name. When called upon, the student will be expected to answer my questions about the case facts and opinions as well as the implications of the case for legal doctrine and the political system more broadly. Good preparation will be essential for this element of the grade, as students will be assessed on effort as well as the quality of the response. Students who have an unexcused absence the day they are called upon will be assigned a zero.

Grading Scale

The grading system is based upon the following scale: 93-100% A; 90-92 A-; 87-89% B+; 83-85% B; 80-82% B-; 77-79% C+; 73-76% C; 70-72% C-; 67-69% D+; 63-67% D; 60-62% D-; 0-59%: F. Extra credit is not permitted.

IV. ATTENDANCE AND CLASS BEHAVIOR

Attendance is required for all classes; attendance will be taken. Only documented illness, family emergency, or institutional permission constitute excused absences. Please let me know of any such absences in advance whenever possible; if you will be missing class for a school-related reason (activity, athletics etc.), you must let me know twenty-four hours before your absence. Any student who has more than two unexcused absences may be assigned a lower or failing final grade. As tardiness disrupts the classroom environment, any student who is late more than two times will be assigned one unexcused absence.

The rules of the student code of conduct apply in this class. Appropriate behavior is required at all times. Students may not speak while other students or the instructor is speaking. Classroom debate is highly encouraged, but students are expected to conduct themselves with decorum and respect.

The academic honor code applies in this class. Cheating in any form will not be tolerated and will result in serious penalty.

Laptops are allowed, but only for taking lecture notes. If the student uses the laptop for any other purpose, that student will be banned from computer use for the remainder of the semester. Use of cell phones during class is strictly prohibited. Turn phones off before entering the classroom.
V. DISABLED STUDENTS

The College of Charleston policy regarding disabled students and reasonable accommodations will apply in this class and accommodations will be provided for those students with documented disabilities. Please speak with me as soon as possible if you are in need of assistance.

VI. ASSIGNMENTS AND LECTURE TOPICS

Please note that I reserve the right to alter these assignments as necessary. Notice of such changes will be provided in advance and students are expected to alter their reading as necessary.

Also, please be aware the both the final and mid-term exams will be based upon information contained in both the text and the material covered in class. Focusing only upon one of these will be insufficient to perform well in this class.

A. Week One (January 10th)

Topic: Introduction to the Course

B. Week Two: Part 1 (January 15th)

Topic: Introduction to the Court
Text: 12-43

C. Week Two: Part 2 & Week Three: Part 1 (January 17th and 22nd)

Topic: The Judiciary: Power
Text: 59-89

D. Week Three: Part 2 & Week Four (January 24th and 29th)

Topic: The Judiciary: Limits
Text: 89-118

*EXAM #1: January 31st*

E. Week Five (February 5th and 7th)

Topic: The Legislature
Text: 119-122; 143-152; 168-179

F. Week Six (February 12th and 14th)

Topic: The Executive
Text: p. 180-181; 201-241
*EXAM #2: February 19th*

**F. Week Seven (February 21st)**

Topic: Separation of Powers: Domestic Issues  
Text: 252-273

**H. Week Eight (February 26th and 28th)**

Topic: Separation of Powers: War  
Text: 273-275; 286-304; 307-321

**I. Week Nine (March 5th and 7th)**

NO CLASS – SPRING BREAK

**J. Week Ten (March 12th and 14th)**

Topic: Federalism  
Text: 330-371

*EXAM #3: March 19th*

**K. Weeks Eleven: Part 2, Twelve, & Thirteen: Part 1 (March 21st, March 26th, March 28th, April 2nd)**

Topic: The Commerce Power:  
Text: 400-491  
*National Federation of Independent Businesses v. Sebelius*, 132 S.Ct. 2566 (selections)

**M. Weeks Thirteen: Part 2 & Fourteen (April 4th, April 9th, April 11th)**

Topic: Economic Substantive Due Process  
Text: 585-640

**N. Weeks Fifteen & Sixteen (April 16th, April 18th, and April 23rd)**

Topic: Takings  
Text: 641-672

**FINAL EXAM: TUESDAY, APRIL 30TH, 8-11 AM**