The American Constitution defines the framework within which our government operates. As originally envisioned, this framework defined the operations of the national government, but over time the supremacy achieved by the national government over the states has resulted in the broad expansion of the scope, or reach if you will, of the Constitution into vast swaths of American daily life. This course looks at the structure of our governmental system, and the powers of the branches of government within it.

This course examines the United States Constitution through the melding of two common approaches to the topic: the legal academic approach primarily focused upon case law handed down by the U.S. Supreme Court, and the social science approach commonplace in Political Science primarily focused upon the Constitution as the boundaries within which the three branches of government co-exist. By melding these two approaches, it is hoped students will gain appreciation of what both have to offer and thus develop a more nuanced perspective on the Constitution and the role it plays in our society.

**Texts**

The following text is required for this course:


Additionally, *supplemental readings* will be announced from time to time. For your convenience, these readings will be available in electronic format.

Students are expected to purchase the two Sullivan and Gunther texts and to remain current with all assigned readings listed in the Course Schedule (below). Current events will be used as examples as appropriate. Students should keep abreast of what is happening in American politics through reading a daily newspaper, watching television news, etc. Class discussion is required (see below). Please feel free to raise questions concerning the readings or current events. However, I reserve the right to restrict in-class discussions if necessary to meet course objectives.

**Grading**
Grades for this course will be based on three criteria:

1. **Examinations:**
   
   a. Three examinations, each covering roughly one-third of the lectures and readings, are worth 100 points each. The dates of the exams are listed below. The final examination is not comprehensive. Examinations will be a combination of short answer and essay questions.
      
      i. Exam 1 – Friday, February 24, 2016 (9:00 – 9:50 AM)
      ii. Exam 2 – Friday, April 7, 2016 (9:00 – 9:50 AM)
      iii. Exam 3 – Friday, May 8, 2016 (8:00 – 10:00 AM) (Finals Week)

   b. **Examination procedures**
      
      i. Exams will be taken in class on the dates specified on the course schedule (above). Each exam must be taken at the scheduled time unless other arrangements are approved by the instructor.
      
      ii. Students will have the class period of the day in question to complete each exam.
      
      iii. Requests for make-up exams must be made in writing (via email) within seven calendar days of the scheduled examination date. The written request must include the reason for missing the examination and your student identification number.
      
      iv. Requests for make-up exams will be denied unless a valid reason is presented. Examples of valid excuses for taking an exam at an alternative time include illness, death in the family, and participation in a university-sponsored activity. Other excuses will be considered as well. Documentation for the excuse may be required. Other excuses will be considered as well but will be approved at the instructor’s discretion. Documentation for the excuse may be required.
      
      v. University regulations concerning academic dishonesty will be strictly enforced.

2. **Participation:**

   The course material will be presented using the Socratic method of calling on students. To facilitate both my familiarity with you and my assessment of your familiarity with the material, each student will provide answers to a few demographic questions on a 3x5 card (provided). I will use these cards to select students to call on in class and ask questions about the material. Periodic shuffling of the “deck” will insure random selection and completeness. Class participation is worth 50 points of the course grade.
3. **Attendance:**

   Attendance will be taken each class period. Attendance is worth 50 points.

**Grading at a Glance**

Final grades for the course will be based on the total number of points earned on the three examinations (3 x 100 points), participation (50 points), and attendance (50 points), relative to the following scale:

- 360 to 400 points = A
- 320 to 359 points = B
- 280 to 319 points = C
- 240 to 279 points = D
- 0 to 239 points = F

**Academic Dishonesty**

1. University regulations concerning academic dishonesty (UW Regulation 6-802) will be strictly enforced. ([http://www.uwyo.edu/generalcounsel/_files/docs/uw-reg-6-802.pdf](http://www.uwyo.edu/generalcounsel/_files/docs/uw-reg-6-802.pdf))
2. Any and all suspicions of academic dishonesty shall be investigated in accordance with UW Regulation 6-802.
3. Evidence of academic dishonesty will result in the recommended sanction of a failing grade for the course, in accordance with UW Regulation 6-802 6.A.vi

**Reasonable Accommodation**

It is University of Wyoming policy to accommodate students, faculty, staff, and visitors with disabilities. If you have a physical, learning, sensory, or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with University Disability Support Services (UDSS) in the Student Educational Opportunity offices, Room 330 Knight Hall, and provide UDSS with documentation of your disability."

**Words of Advice**

If you find yourself having difficulty identifying the important points from the readings or following lectures, please make an appointment to meet with me outside of class. Do not wait until the day of an examination or the end of the semester to tell me that you are having trouble. By then it is too late. The time to adjust your study habits is in mid-semester, not the last week of classes.
There is a strong correlation between attending class regularly and receiving a high grade in the course. Students are therefore urged to attend lecture on a regular basis. Exams are designed to draw from the readings and lectures, and students are expected to be familiar with all class material. If you miss a class, I suggest that you obtain notes from a classmate and/or discuss the lecture with me. I will be happy to discuss missed lectures but I do not permit students to copy my notes.

**Course Schedule**

1) Supreme Court’s Authority and Role  
   a. **Writing a Constitution**  
      i. Federalist Papers: #78 – 83  
         (http://thomas.loc.gov/home/histdox/fedpapers.html)  
      ii. Anti-Federalist Papers: Brutus #XI, XII, and XV  
          (http://www.constitution.org/afp/brutus00.htm)  
      iii. The U.S. Constitution  
           (http://www.senate.gov/civics/constitution_item/constitution.htm)  
   b. **A primer on legal reading and writing**  
      i. Handout on briefing (posted online)  
   c. **Judicial Review**  
      i. *Marbury v. Madison* and commentary  
      ii. *Martin v. Hunter’s lessee*  

2) The Nation and the States in the Federal system  
   a. **Legitimacy, Limitations and Scope of Judicial Review**  
      i. *Cooper v. Aaron*  
      ii. Political Questions - *Baker v. Carr*  
   b. **The Necessary and Proper Clause and State Sovereignty**  
      i. *McCulloch v. Maryland*  
      ii. *U.S. Term Limits v. Thornton*  

3) The Commerce Power and its Federalism-Based Limits  
   a. **The Commerce Power: Pre-New Deal**  
      i. *Gibbons v. Ogden*  
      ii. *E.C. Knight, Shreveport Case, Swift, Champion, Hipolite, Hoke*  

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1 NOTE: The instructor reserves the right to modify this schedule to fit the needs of the course. However, at a minimum, students will be given notice of any changes one week prior to the date on which the change will take effect.
iii. *Hammer v. Dagenhart*

**b. The Commerce Power: Post-New Deal**

i. *NLRB v. Jones and Laughlin Steel Corp.*

ii. *U.S. v. Darby*

iii. *Wickard v. Filburn*

iv. Note Cases

**c. Modern Commerce**

i. *United States v. Lopez*

ii. *United States v. Morrison*

iii. *Gonzals v. Raich*

iv. *NFIB v. Sebelius*

**d. The 10th Amendment and Issues of State Sovereignty**

i. *NLC v. Usery and Garcia*

ii. *New York v. U.S.*

iii. *Printz*

iv. *Reno v. Condon*

4) Other National Powers: Taxing, Spending, War, Treaties, and Foreign Affairs

**a. The Taxing Power**

i. *Baily v. Drexel Furniture*

ii. *NFIB v. Sebelius*

**b. The Spending Power**

i. *United States v. Butler*

ii. *Steward Machine*

iii. *South Dakota v. Dole*

iv. *NFIB v. Sebelius*

**c. Treaties**

i. *Missouri v. Holland*

ii. *Woods*

5) Federal Limits on State Regulation of Interstate Commerce

**a. Dormant Commerce Clause**

i. *Gibbons v. Ogden*

ii. *Cooley v. Board of Wardens*

iii. *Philadelphia v. New Jersey*

iv. *Dean Milk Co. v. Madison*

v. *C & A Carbone, Inc. v. Clarkstown*

vi. *United Haulers Assn. v. Oneida-Herkimer Solid Waste Management Authority*

vii. *South-Central Timber Development, Inc. v. Wunnicke*

ix.  H.P. Hood & Sons v. Du Mond  
x.  Kassel v. Consolidated Freightways Corp.

b. Interstate Privileges and Immunities  
i.  United Building & Construction

c. Preemption  
i.  Pacific Gas & Elec. Co. v. State

6) Separation of Powers  
a. Executive Power and the Other Branches  
i.  Steel Seizure Case  
   ii.  Dames and Moore

b. Executive Detention of Enemy Combatants  
i.  Milligan  
   ii.  Quirin  
   iii.  Rasul  
   iv.  Hamdi  
   v.  Padilla  
   vi.  Hamdan  
   vii.  Boumediene

c. Congressional Power and the Other Branches  
i.  Chadha  
   ii.  Clinton v. NY  
   iii.  Buckley v. Valeo  
   iv.  Bowsher v. Synar  
   v.  Myers, Humphrey’s Executive  
   vi.  Morrison v. Olson  
   vii.  Mistretta

d. The President: Privileges, Immunities and Impeachment  
i.  U.S. v. Nixon  
   ii.  Nixon v. Fitzgerald  
   iii.  Clinton v. Jones