

# PS 301: U.S. Constitution I (Fall 2017)

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223 Gregory Hall  
TR 2:00-3:20

Office Hours: Monday 9-11  
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## Course Overview:

In this course, students will be introduced to judicial interpretations of the United States Constitution. The primary course materials for this course will consist of Supreme Court decisions. We will delve into topics such as federalism (the relationship between the state and federal governments), the separation of powers (the relationship between the branches of government), checks and balances between the separate branches, and the jurisdiction of the federal judiciary.

## Course Material

For this course, please purchase the following book:

Epstein, Lee, and Thomas G. Walker. 2016. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. 9<sup>th</sup> ed. Washington, D.C.: CQ Press

I recommend that you purchase this book new, as it will come with a code to access some of the assigned cases online. Cases that are available online are indicated below with (online) next to the case name. If you choose to purchase this book used, you can either purchase separate access to the online database, or you can access the assigned cases from another source.

## Readings

The primary reading for this course will be Supreme Court cases. Many of these cases are reproduced in the Epstein and Walker book. In addition to the cases in the book, there are a number of additional cases available through the online resource that comes with the book. When a case is not available through either source, I will make a scanned copy available for students on Compass.

## **Course Requirements and Policies**

### *Attendance, Participation, and Classroom Etiquette*

It is expected that you will attend class. Attendance in this course is vital, as exams will include information from both lectures and assigned readings. Students are responsible for all information, including announcements made about assignments, provided in class. If you miss a day of class, it is your responsibility to contact me to learn any information that you might have missed. I expect you to do more than simply attend class; I expect you to participate. In this course, we will engage topics that are open to debate and I invite you to engage with the material and the arguments that are being made. I will teach this course in a manner similar to most law seminars, so I will often utilize the Socratic method. For those of you interested in attending law school, this will be good practice for how your law classes will be taught. Your level of participation will factor into your final grade. Your class participation points will be graded based on both attendance and the quantity and quality of your participation.

You should read all assigned cases prior to coming to class. This class requires participation from the students, which is only possible if you have read the cases ahead of time. If I get the sense that most of the students have not done the reading for the class, I reserve the right to give a pop quiz on the day's readings, which will factor into your final grade. I would recommend that you not only read the cases, but that you "brief" them as well. Instructions for how to brief cases will be made available to students before we begin reading cases for this course. You will have to submit your briefs for four cases throughout the semester. I would recommend that you brief each case, as it will enhance your understanding of the legal arguments made in the case and will help you review for the exams.

This course will involve a lot of classroom discussion and the topic matter is such that it will often stir up debates. I welcome and encourage such debate, but ask that you are respectful of your fellow students as you engage.

### *Exams*

There will be two exams in this course: a midterm and a final. The exams will consist of short answer and essay questions. The essay questions will require

that you apply the precedents from the cases covered in class to new fact patterns and apply similar analogical reasoning as found in a Supreme Court case. The final will be cumulative.

Unless you inform me at least 48 hours before the exam that you will not be able to take the exam on the scheduled date for a legitimate reason, or in the event of extraordinary circumstances, you will receive a 0 for the exam if you do not take it at the scheduled time.

### *Assignments*

You will be required to submit briefs for four cases throughout the semester. The purpose of these briefs is to help you organize the information in the cases in a way that will be useful to you for remembering the cases. Information for how to brief cases will be made available to students.

***Academic Honesty and Case Briefs: There are many online sources that contain briefs of the cases we will cover in this class. While I would prefer that you brief the cases on your own, you are not prohibited from consulting these sources when you are writing your brief. If you choose to consult an online source, it is your responsibility to properly cite that source. I will be comparing the briefs that are submitted with the briefs contained on these websites. Failure to cite a source that you have consulted will be considered a violation of the university's academic integrity policy and will result in a 0 on the assignment and will be reported to the university.***

This course will also include a project that will give students a more hands on experience in how the Supreme Court decides cases. This project will assign students into three groups: Clerks, Attorneys, and Justices. The assignment and due date for the assignment varies for each group.

### *Clerks*

The clerks will be given a set of 5 petitions for certiorari currently pending before the Supreme Court. The clerks will read and brief the petitions and write a 2 page memo per petition arguing for whether the Justices should decide to "hear" the case or not. The clerk's memos will be due on October 3. Half of the class session will be devoted to a presentation of the clerk's findings. Since it is not be possible to have each clerk present in that time frame, extra credit will be given to eight volunteers who present their reports to the class in 5-minute

presentations. After the clerks have made their presentations, the Justices will vote to decide which case to hear. The case receiving the most votes will become the assigned case for the Attorneys and Justices.

### *Attorneys*

The attorneys will be randomly assigned to argue for either the plaintiff or the defendant. The attorneys will then write a 10-page brief, which makes their case for why the justices should decide the case in favor of their client. The attorney briefs will be due around November 16. We will set aside that class session for two sessions of mock oral argument. As with the clerks it is not possible to accommodate all students participating so volunteer justices and attorneys would be given an opportunity for extra credit. In each mock oral argument session, there will be four attorneys (two from each side) and four justices. During the oral argument, the Attorneys will make their case and the justices will have the opportunity to ask questions of the attorneys.

### *Justices*

The justices will write a 10-page paper deciding the case as if they were a Supreme Court justice and will be required to write both a majority and dissenting opinion. The paper will be due on the last day of class.

On the first day of class I will ask students to rank their preferences over roles and do my best to accommodate everyone's wishes. I will also ask for which students would like to participate in the in class activities for extra credit. If more students than the number of slots available want to participate in the in class activities, I will draw the names of the participants at random. More detailed instructions will be sent out to each group when the students are notified of which group they are assigned.

All assignments should be typed and in hard copy and handed in on the day they are due at the start of class. Assignments emailed rather than turned in hard copy will be penalized 5 percent. Late assignments will be penalized 5 percent each day they are late (including weekends).

## *Grading*

Your grade for this course will be determined using the following percentages:

Class participation	5%
Briefs	20% (5% each)
Midterm Exam	20%
Project	25%
Final	30%

The final grades will be assigned according to the following scale. This scale should be considered as the minimum grade that would be assigned for each range. I retain the right to assign higher grades at my discretion.

<60	F	80-83	B-
60-63	D-	83-87	B
63-667	D	87-90	B+
67-70	D+	90-93	A-
70-73	C-	93-97	A
73-77	C	97-100	A+
77-80	C+		

## *Regrade Policy*

If you are unhappy with your grade on a particular assignment, you may request a regrade of the assignment or exam, so long as the request is made in writing within one week of the assignment being handed back to the full class. If you are not in class on the day the assignment is handed back, it is your responsibility to arrange to pick up the assignment or wait until the next class. Note, that if a regrade is requested, I reserve the right to either raise or lower the assigned grade.

## *Academic Honesty and Integrity*

You are expected to conform to the university's policy on academic integrity ([http://studentcode.illinois.edu/article1\\_part4\\_1-401.html](http://studentcode.illinois.edu/article1_part4_1-401.html)). Any violations of this policy through consulting unauthorized sources, purchasing papers, plagiarism, etc. will be reported to the university and the student will receive a 0 for the assignment.

## *Students with Disabilities*

If you require reasonable accommodations for this course, please contact Disability Resources and Educational Services (DRES) and let me know as soon as possible so that we can create an accommodation plan.

## *Emergency Response Information*

Emergency response recommendations are attached at the end of this syllabus.

## **Class Schedule**

Week	Date	Topic
1	8/29	Course Overview
	8/31	APSA Meeting: Class Cancelled
2	9/5	The U.S. Constitution <i>Read: E&amp;W, pp. 3-10</i>
	9/7	Understanding the Supreme Court <i>Read: E&amp;W, pp. 11-46</i>
3	9/12	Understanding the Supreme Court, Cont.; Reading and Briefing Supreme Court Decisions <i>Read: E&amp;W, pp. 11-46; O'Brien, David, pp. 1109-1112, (Compass); Brown v. Board of Education (1954), (Compass)</i>
	9/14	Supreme Court Agenda Setting <i>Read: Caldeira, Wright, and Zorn (2012); Black and Owens (2009)</i>
4	9/19	Institutional Authority: The Judiciary <i>Read: Marbury v. Madison (1803); Martin v. Hunter's Lessee (1816); Dickerson v. U.S. (2000), (online)</i> <b>Brief Due: Marbury v. Madison (1803)</b>

- 9/21 Institutional Authority: The Judiciary  
*Read: Ex Parte McCordle (1869); Flast v. Cohen (1968); Hollingsworth v. Perry (2013)*
- 5 9/26 Institutional Authority: The Judiciary; The Legislature  
*Read: Baker v. Carr (1962); Nixon v. U.S. (1993); Powell v. McCormack (1969)*
- 9/28 Institutional Authority: The Legislature  
*Read: U.S. Term Limits, Inc. v. Thornton (1995); Gravel v. United States (1972); McCulloch v. Maryland (1819)*  
**Brief Due: McCulloch v. Maryland (1819)**
- 6 10/3 Institutional Authority: The Legislature  
*Read: McGrain v. Daugherty (1927); Watkins v. United States (1957); Bush v. Gore (2000)*
- 10/5 Institutional Authority: The Executive  
*Read: Clinton v. City of New York (1998); Morrison v. Olson (1988)*  
**Clerk Assignment Due!**
- 7 10/10 Institutional Authority: The Executive  
*Read: National Labor Relations Board v. Noel Canning (2014); Myers v. United States (1926); Humphrey's Executor v. United States (1935)*
- 10/12 Institutional Authority: The Executive  
*Read: United States v. Nixon (1974); Nixon v. Fitzgerald (1982); Clinton v. Jones (1997)*
- 8 10/17 Institutional Authority: The Executive & Separation of Powers  
*Read: Ex parte Grossman (1925); Murphy v. Ford (1975); The Prize Cases (1863);*
- 10/19 Institutional Authority: Separation of Powers  
*Read: Ex parte Milligan (1866); Youngstown Sheet & Tube Co. v. Sawyer (1952)*

- 9            10/24        Institutional Authority: Separation of Powers; Review  
*Read: Hamdi v. Rumsfeld (2004)*
- 10/26        **Midterm**
- 10           10/31        Nation-State Relations: Federalism  
*Read: McCulloch v. Maryland (1819); Scott v. Sanford (1857); Coyle v. Smith (1991)*
- 11/2         Nation-State Relations: Federalism  
*Read: Garcia v. San Antonio Metropolitan Transit Authority (1985); New York v. United States (1992); Printz v. United States (1997)*
- 11           11/7         Nation-State Relations: Federalism  
*Read: State of Missouri v. Holland (1920); Crosby v. National Foreign Trade Council (2000); Arizona v. United States (2012)*
- 11/9         Nation-State Relations: Commerce Power  
*Read: Gibbons v. Ogden (1824); United States v. E.C. Knight Co. (1895); Stafford v. Wallace (1922)*
- 12           11/14        Nation-State Relations: Commerce Power  
*Read: Champion v. Ames (1903); Hammer v. Dagenhart (1918); A.L.A. Schechter Poultry Corp v. United States (1935)*
- 11/16        Mock Oral Argument  
**Attorney briefs due!**
- 13           11/21-11/23   Thanksgiving Break:    Have a great break!
- 14           11/28        Nation-State Relations: Commerce Power  
*Read: National Labor Relations Board v. Jones & Laughlin Steel Corporation (1937); Wickard v. Filburn (1942); Heart of Atlanta Motel, Inc. v. United States (1964)*  
**Brief Due: Wickard v. Filburn (1942)**



- 11/30 Nation-State Relations: Commerce Power and Power to Tax and Spend  
*Read: Gonzales v. Raich (2005); National Federation of Independent Business; Pollock v. Farmers' Loan & Trust Co. (1895)*
- 15 12/5 Nation-State Relations: Power to Tax and Spend  
*Read: McCray v. United States (1904); United States v. Butler (1936); Steward Machine Co. v. Davis (1937)*
- 12/7 Nation-State Relations: Power to Tax and Spend  
*Read: South Dakota v. Dole (1987); National Federation of Independent Business v. Sebelius (2012)*  
**Brief Due: National Federation of Independent Business v. Sebelius (2012)**
- 16 12/12 Review  
**Justice opinions due!**

Final: 7:00-10:00 pm, December 20

# EMERGENCY RESPONSE RECOMMENDATIONS

The Department of Homeland Security and the University of Illinois at Urbana-Champaign Office of Campus Emergency Planning recommend the following three responses to any emergency on campus: **RUN > HIDE > FIGHT**

**Only follow these actions if safe to do so.** When in doubt, follow your instincts—you are your own best advocate!

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## RUN

Action taken to leave an area for personal safety.

- Take the time now to learn the different ways to leave your building **before** there is an emergency.
- Evacuations are mandatory for fire alarms and when directed by authorities. **No exceptions!**
- Evacuate immediately. Pull manual fire alarm to prompt a response for others to evacuate.
- Take critical personal items only (keys, purse, and outerwear) and close doors behind you.
- Assist those who need help, but carefully consider whether you may put yourself at risk.
- Look for **EXIT** signs indicating potential egress/escape routes.
- If you are not able to evacuate, go to an Area of Rescue Assistance.
- Evacuate to Evacuation Assembly Area and remain until additional instructions are given.
- Alert authorities to those who may need assistance.
- Do not re-enter building until informed by emergency response personnel that it is safe to return.

### ACTIVE THREAT:

- If it is safe to do so run out of the building. Get as far away as possible. Do not go to the Evacuation Assembly Area.
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## HIDE

Action taken to seek immediate shelter indoors when emergency conditions do not warrant or allow evacuation, such as for severe weather.

- Take the time now to learn the different ways to seek shelter within your building **before** there is an emergency.
- If you are outside, proceed to the nearest protective building.
- If sheltering-in-place due to severe weather, proceed to the identified Storm Refuge Area or to the lowest, most interior area of the building away from windows or hazardous equipment or materials.

### ACTIVE THREAT:

- Lock or barricade your area.
  - Get to a place where the threat cannot see you.
  - Place cell phones on **silent**.
  - Do not make any noise.
  - Do not come out until you receive an Illini-Alert advising you it is safe.
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## FIGHT

Action taken as a last resort to increase your odds for survival.

### ACTIVE THREAT:

- If you cannot run away safely or cannot hide, **be prepared to fight with anything available to increase your odds for survival.**
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