

Przy SSE99

CHAMINADE UNIVERSITY
Off-Campus Evening Program

SYLLABUS

Course: HISTORY/POLITICAL SCIENCE 401⁶⁰-U.S. Constitution I (3 credits)
Instructor: Kris Matsumoto
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Textbook: Susan M. Leeson and James Foster, Constitutional Law: Cases in Context (1992)

Course Description: Examines the nature of law and constitutionalism in the United States, with an emphasis on the struggles for power and calls for accountability from various sectors.

Important note about the class: This is a 400 level course and is sometimes considered to be challenging by students. The text is selected by the department, not the instructor. The text is comprised primarily of caselaw – mostly in the form of U.S. Supreme Court decisions interpreting various provisions of the U.S. Constitution. This is not a class about the founding fathers, the Constitutional Convention or the Federalist Papers. This class will focus on the meaning of various constitutional provisions as interpreted by the U.S. Supreme Court.

Course Requirements:

- Students are responsible for all material covered in class and are encouraged to attend class regularly and to take notes.
- Students are urged to read the material in the text before coming to class, and are urged to review the material again after class in order to master the terms and concepts covered in class.
- In preparation for the tests and examinations, it is recommended that students prepare written outlines or essays of the relevant terms or questions.

Grading: Student performance will be evaluated in the following way:

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| 1. | Two Vocabulary Tests (short essay; 10% each) | 20% |
| 2. | Midterm Examination (essay format) | 20% |
| 3. | Final Examination (essay format) | 30% |
| 4. | One research paper (12-15 pages, not including bibliography and notes) | 15% |
| 5. | One Oral Presentation (approximately 15-20 minutes) | 15% |

The following is the standard used in evaluating your performance:

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| A: | 90-100% | Outstanding scholarship and an unusual degree of intellectual initiative. |
| B: | 80-89% | Superior work done in a consistent and intellectual manner. |
| C: | 70-79% | Average work indicating a competent grasp of the material. |
| D: | 60-69% | Inferior work of the lowest passing grade, is not satisfactory for fulfillment of prerequisite coursework. |
| F: | 59 & below | Failure to grasp even the minimum subject matter and/or failure to fulfill the course requirements (e.g., failure to submit and present a paper or failure to take a test or an examination). |

Oral Presentation: Each student will present his or her paper, or a draft thereof. Students are encouraged to make use of pictures, maps, transparencies, videos, audiorecordings, etc. Papers may be submitted at the time of the presentation or at the time of the 9th class meeting. Points will be deducted for late presentations and late papers. Students may coordinate presentations of related topics.

Guidelines for Papers:

- At the time of the fourth meeting, each student will submit in writing the subject of their research and a list of sources they plan to consult.
- Each student will submit a research paper at the time of the 9th class meeting.
- Each paper must be 12-15 pages in length.
- This does not include cover pages, illustrations, charts, bibliographies, notes or excessively lengthy direct quotes.
- Each paper must be typed, double-spaced.
- Margins--top, bottom, left and right-- may not exceed one-inch.
- Font size may not exceed 12 pitch
- Pages must be numbered.
- You must consult and make reference to at least 5 sources. Our text may be one of these sources.
- Please do not use general encyclopedias.
- Your research should be balanced. When possible, you should consult different types of materials (primary sources, secondary sources in the form of monographs, periodicals, etc.).
- Do not write your paper exclusively from one source.
- Your paper should contain some critical analysis and should not be primarily a recitation of historical facts.
- Your paper should be focused and organized; i.e., it should be more than a compilation of information on a particular subject.
- It is recommended that you prepare an outline before you begin writing your paper.
- Be sure to restate the information from your sources in your own words.
- Direct quotes, information that is not considered to be common knowledge, statistical information, etc. must be properly cited (see handout on footnotes and bibliographies and/or a citation manual).
- Proof read your paper for grammatical and typographical errors and make the necessary corrections before submission.
- Do not turn in a paper you prepared for another class or a paper prepared by someone else.
- Paper grades will be reduced for failure to conform to the paper guidelines.
- Papers will not be returned.
- Please see me if you would like me to review an outline or a draft of your paper.

Class Schedule:

Week:

Topic & Reading Assignments:

1 Introduction to the class, The Supreme Court and the Federal Judiciary; Judicial Review and Judicial Power

2 Judicial Power, con't

Readings: Judicial Review and Judicial Power

U.S. Constitution, Article III

Alien and Sedition Acts, Virginia and Kentucky Resolutions [handout]

Marbury v. Madison (1803), p. 38
Cherokee Nation v. Georgia (1831), p. 59
Baker v. Carr (1962), p. 482

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Judicial Power, con't

Readings: The Jurisdictional Doctrines

U.S. Constitution, Article III
Frothingham v. Mellon (1923)
Flast v. Cohen (1968)
Sierra Club v. Morton (1972)
Lujan v. Defenders of Wildlife (1992)
Defunis v. Odegaard (1974)
Regents of the University of California v. Bakke (1978)
Roe v. Wade (1973), p. 612
Baker v. Carr (1962), p. 482
Luther v. Borden (1849), p. 123.
Goldwater v. Carter (1979) [<http://laws.findlaw.com/US/444/996.html>]

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Vocabulary Test #1 (in-class), paper topics and proposed bibliography due in class, Presidential Powers

Readings: Presidential Powers (Foreign Affairs)

U.S. Constitution, Article II
U.S. v. Curtiss-Wright Export Corp. (1936), p. 282
Youngstown Sheet and Tube Co. v. U.S. (1952), p. 364
Dames and Moore v. Regan (1981) [<http://laws.findlaw.com/US/453/654.html>]
Sale v. Haitian Center Council (1993) [<http://laws.findlaw.com/US/509/155.html>]
Missouri v. Holland (1920), p. 277
Goldwater v. Carter (1979) [<http://laws.findlaw.com/US/444/996.html>]

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Midterm Examination (in-class)

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Presidential Powers (con't); War Powers, Presentations

Readings: Presidential Powers (Domestic Affairs)

Prize Cases (1863)
Ex parte Milligan (1866), p. 142
Korematsu v. U.S. (1944), p. 418
Youngstown Sheet and Tube Co. v. U.S. (1952), p. 364
New York Times v. U.S. (1971), p. 678

Readings: War Powers:

War Powers Resolution (handout)

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Separation of Powers; Privileges and Immunities: Executive Privilege, Executive Immunity; Speech and Debate Clause, Legislative Immunity, *Presentations

Readings: Separation of Powers

Immigration and Naturalization Service v. Chadha (1983), p. 780

Bowsher v. Synar (1986) [<http://laws.findlaw.com/US/478/714.html>]

Readings: Privileges and Immunities

Nixon v. Fitzgerald (1982) [<http://laws.findlaw.com/US/457/731.html>]

Harlow v. Fitzgerald (1982) [<http://laws.findlaw.com/US/457/800.html>]

U.S. v. Nixon (1974) p. 770

Powell v. McCormack (1969) [<http://laws.findlaw.com/US/395/486.html>]

U.S. Term Limits, Inc. v. Thornton (1995) [<http://laws.findlaw.com/US/000/u10278.html>]

Gravel v. U.S. (1972) [<http://laws.findlaw.com/US/408/606.html>]

Hutchinson v. Proxmire (1979) [<http://laws.findlaw.com/US/443/111.html>]

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Congressional Power, *Presentations

Readings: Congressional Power

U.S. Constitution, Article I

McCullough v. Maryland (1819), p. 67.

Gibbons v. Ogden (1824), p. 93

U.S. v. E.C. Knight Co. (1895), p. 204

Champion v. Ames (1903), p. 272

Hammer v. Dagenhart (1918), p. 294

A.L.A. Schechter Poultry Corp. v. U.S. (1935), p. 300

NLRB v. Jones and Laughlin (1937), p. 352

Wickard v. Filburn (1942), p. 359

Heart of Atlanta Motel, Inc. v. U.S. (1964), p. 568

Katzenbach v. McClung (1964), p. 574

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Vocabulary Test #2 (in-class), States Rights', Voting Rights, *Presentations

Readings: States' Rights

National League of Cities v. Usery (1976), p. 799

Garcia v. San Antonio Metropolitan Transit Authority (1985), p. 809

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Final Examination (in-class)