

Constitutional Law, Section C
Spring 2009
Prof. Carpenter

Syllabus

Tuesday & Thursday
WH 3A
2:30 - 4:20 pm

Course Materials

The casebook for this course is Sullivan & Gunther, *Constitutional Law* (16th ed.). You should also purchase the 2008 Supplement.

Office hours

I do not keep office visiting hours. You are free to stop by any time my office door is open. To schedule an appointment to see me or to ask a question, call my office or email me.

Grading and attendance

Your grade will be based on an exam at the end of the semester. However, I may revise your grade (up or down) based on class attendance and participation, including your level of preparation for class. It should be an extraordinary circumstance that causes you to miss, or to be unprepared for, a class.

Class subjects and assignments

What follows is a tentative schedule of the reading assignments for each class this semester. The assignments are subject to change. The numbers below refer to each class (e.g., for our first class read #1). Page references below are to pages in the Sullivan & Gunther casebook or to the 2008 Supplement. I advise you not to read ahead. The risk is too great that by class time you will have forgotten the finer points in the material. Additionally, because some of the material can be difficult and builds on what has come before, it will aid your comprehension to have attended a class on the prior material before reading the next assignment. In your reading, pay especially close attention to the lead cases indicated by bold print for the name of the case.

Reading assignments for each class

I. Judicial Power

- A. *Marbury* and beyond
 - 1. U.S. Constitution, Articles I-VII (Appendix A); 1-10 (stop at note 2)
 - 2. Read 1-10 again, 10-15
 - 3. 15-30

- B. Limits on judicial authority
 - 4. 32-47, 49-55

II. Congressional Power

- A. The Federal/State balance of powers: *McCulloch* and beyond
 - 5. 60-75 (stop at note 5)

- B. The Commerce Power
 - 6. 82-96
 - 7. 96-113
 - 8. 113-26

- C. Other congressional powers: taxing, spending, foreign affairs
 - 9. 150-73

III. National Limits on State Power

- 10. 174-94
- 11. 194-202, 206-13
- 12. 213-19, 222-36 (stop at note 2)

IV. Executive Power

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A. Executive encroachment on congressional power

13. 244-60

B. Executive power in wartime

14. 260-81 (stop at note 3)

15. 281-91, Supp. 3-9

C. The congressional and executive balance

16. 291-310

17. 310-34 (stop at note 4)

V. The First Amendment

A. The Freedom of Speech

18. U.S. Constitution, Amendment I; 742-48, 753-66, 1119-20 (*West Virginia v. Barnette*)

19. 772-90

20. 791-805

21. 807-10, 827-42

22. 843-55, 860-66, 868-71

23. 936-37, 947-50, 956-70

24. 982-1005

B. The Freedom of Religion

25. 1256-64, 1266-71 (stop at note 3), 1276-83

26. 1289-1311

27. 1311-37

28. 1337-46, 1356-70