

Professor Tom Hansford  
Office: 312 Classroom & Office Building 2  
Phone: 228-4037  
E-mail: thansford@ucmerced.edu

Office Hours:  
Tues. & Thurs. 11-12,  
and by appointment

**POLI 110:  
Governmental Power and the Constitution  
Fall 2017**

**Course Description:**

The main purpose of this course is to introduce students to the manner in which U.S. Supreme Court decisions have shaped the very nature of our political system by delineating the sources and limits of governmental power. We will examine, in detail, the major constitutional cases dealing with the powers of the judicial, legislative, and executive branches of our federal government. We will also consider Supreme Court decisions that define the relationship between these branches government, the balance of power between state and federal government, and the authority of the states. Along the way, students should become fluent readers of Court opinions and gain an understanding of the Supreme Court as both a legal and political institution.

**Intended Student Learning Outcomes (SLOs):**

At the end of this course, students should:

1. Understand the general role the Supreme Court and the Constitution have played in shaping our political institutions (corresponds to PLO 1).
2. Understand, in detail, the legal rules espoused in the Court cases covered and apply these legal rules to new factual circumstances (corresponds to PLOs 1 and 5)
3. Fluently read and critique Supreme Court opinions (corresponds to PLO 4).

**General Program Learning Outcomes (PLOs) for Political Science:**

1. An understanding of the processes, theories, and empirical regularities of political institutions and political behavior in the student's chosen emphasis area: American politics, comparative politics, or international relations.
2. An ability to employ critical thinking and demonstrate social scientific literacy, including basic quantitative literacy.
3. A capacity to utilize contemporary social science research methods to conduct rigorous research on political phenomena.
4. Effective written communication skills, especially the ability to convey complex concepts and information in a clear and concise manner.
5. An ability to apply abstract theory and research methods to understand contemporary political events and public policies.

**Prerequisite:**

POLI 1 (Introduction to American Politics) is a prerequisite for this course.

**Required Reading:**

Epstein, Lee, and Thomas G. Walker. 2017. *Constitutional Law for a Changing America: Institutional Powers and Constraints*. 9th edition. Washington, DC: CQ Press. **Please bring this book to class every day!**

**Teaching Assistant:**

Kayla Canelo (kcanelo2@ucmerced.edu)

**Grades:**

Your grade for the class will be allocated as follows:

Constitution Quiz:	10%
Midterm Exam:	27.5%
Final Exam:	27.5%
Dissenting Opinion:	20%
Class Participation:	15%

*Constitution Quiz* – Early in the course there will be a multiple-choice quiz on the U.S. Constitution. This quiz assesses your attainment of SLO 1.

*Exams* – Both the midterm and the final exams will consist of essay and multiple-choice questions. The final exam will not be cumulative. The exams will assess your attainment of SLOs 1 and 2.

*Dissenting Opinion* – You will be required to coauthor a 4-6 page dissenting opinion. You are to write this opinion as if you were a Supreme Court justice who disagreed with the legal arguments and conclusions contained in one of the Court’s landmark majority opinions. You will coauthor this assignment with one other student from the class. Your dissenting opinion will be graded based on the extent to which you develop a logical and legally persuasive constitutional argument. Please hand your opinion in on time. These assignments will be penalized one letter grade per day they are late (weekends count as one day); regardless of the reason for why they are late. Further details about this assignment will be provided. The dissenting opinion will assess your attainment of SLO 3.

*Class Participation* – Your participation is absolutely crucial for this course! I teach this course in a quasi-law school manner, meaning that together we will “discover” the legal rule articulated in a Court opinion through my asking questions regarding the case and you providing informed answers. Thus, *you must come to class ready to discuss the cases assigned for the day*. I will not hesitate to call on students, if needed. To avoid relying on my memory of student names,

you will be assigned a specific seat on the first day of class. Your participation in class will allow me to assess your attainment of SLOs 1, 2, and 3.

Your final grade for the course will be assigned in the following manner:

A	93% - 100%
A-	90% - 92%
B+	87% - 89%
B	83% - 86%
B-	80% - 86%
C+	77% - 79%
C	73% - 76%
C-	70% - 72%
D+	67% - 69%
D	63% - 66%
D-	60% - 62%
F	Below 60%

### **Briefing Cases:**

I strongly recommend that you “brief” each case that you read. If you have briefed a case before class, you will be more able to participate when we discuss the case. Moreover, it is much easier to study for the exams if you have briefed each case in advance.

### **Policies:**

*Attendance* – Some of the material covered in lecture is *not* contained in the readings and you will be responsible for this material on the exams. In addition, class participation constitutes an important part of your overall course grade. For these reasons, I strongly recommend that you attend all classes. If you miss a class, it is your responsibility to get the notes from a fellow student.

*Make-up exams* – Barring an emergency or documented illness, you *must* take the exams (and the quiz) on the scheduled dates. In cases of emergency or illness, please contact me as soon as possible so that we can arrange a time for you to take the exam.

*Academic dishonesty* – I have no tolerance for academic dishonesty. I will not hesitate to report and pursue action against anyone who plagiarizes the work of others, cheats on an exam, or otherwise engages in dishonest academic practices. Please consult the UC Merced Academic Honesty Policy.

**Class Schedule:** I plan to adhere to the following schedule as closely as possible.

### I. Introduction

8/24: Introduction to the course

8/29: The U.S. Supreme Court

8/31: TBA

9/5: Reading and briefing Supreme Court cases

### II. Judicial Power

9/7: *Marbury v. Madison* (1803)

9/12: *Ex parte McCardle* (1869)  
**Constitution quiz**

9/14: *Baker v. Carr* (1962)  
*U.S. v. Hatter* (2001)\*

### III. Legislative Power (to be continued...)

9/19: *U.S. Term Limits Inc. v. Thornton* (1995)  
*McCulloch v. Maryland* (1819)

9/21: *Barenblatt v. U.S.* (1959)  
*South Carolina v. Katzenbach* (1966)

### IV. Executive Power

9/26: *In re Neagle* (1890)  
*Clinton v. City of New York* (1998)

9/28: *Ex parte Grossman* (1925)  
*Ex parte Milligan* (1866)

10/3: *Ex parte Quirin* (1942)\*  
*Korematsu v. U.S.* (1944)

10/5: Of Civil Wrongs and Rights: The Fred Korematsu Story

10/10: *Youngstown Sheet & Tube Co. v. Sawyer* (1952)  
*Hamdi v. Rumsfeld* (2004)

10/12: **Midterm exam**

V. Separation of Powers

10/17: *Mistretta v. U.S.* (1989)  
*Immigration and Naturalization Service v. Chadha* (1983)

10/19: *Bowsher v. Synar* (1986)  
*Zivotofsky v. Kerry* (2015)

VI. Federalism

10/24: *McCulloch v. Maryland* (1819)  
*Scott v. Sandford* (1857)

10/26: Catch-up day

10/31: *National League of Cities v. Usery* (1976)\*  
*Garcia v. San Antonio Metropolitan Transit Authority* (1985)

11/2: *Printz v. U.S.* (1997)  
*Arizona v. U.S.* (2012)

VII. The Commerce Clause

11/7: *Gibbons v. Ogden* (1824)  
*A.L.A. Schechter Poultry Corp. v. U.S.* (1935)

11/9: *National Labor Relations Board v. Jones & Laughlin Steel Corp.* (1937)

11/14: *U.S. v. Lopez* (1995)

11/16: *Gonzalez v. Raich* (2005)  
*Grainholm v. Heald* (2005)

11/21: TBA

11/23: Thanksgiving – no class

11/28: *National Federation of Independent Business v. Sebelius* (2012) (read both excerpts!)

## VIII. Constraints on State Power

11/30: *Lochner v. New York* (1905)  
*West Coast Hotel v. Parrish* (1937)

12/5: *Kelo v. New London* (2005)  
**Dissenting opinion due**

12/8: **Final exam**

\* Case is not in book. An excerpted version will be available on CatCourses.