

DEPARTMENT OF POLITICAL SCIENCE  
UNIVERSITY AT BUFFALO, SUNY

PSC 480  
Advanced Constitutional Law  
Fall 2013  
Professor Lamb  
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503 Park Hall, 645-8441

GENERAL COURSE DESCRIPTION: This course is designed for highly-motivated undergraduates who are considering law school. Some of the semester will be devoted to examining scholarly literature on constitutional law, but most of the course will be spent reading and discussing the full, unedited versions of major Supreme Court decisions involving two topics: presidential power and federalism. Our general theme is that power has been increasingly concentrated in the federal government, and particularly in the president. Two of the major questions that we want to consider are: How have Supreme Court decisions facilitated this dramatic increase in federal and presidential power over time? And what implications does this concentration of power have for American democracy today and in the future?

OBJECTIVES: We have three objectives. Our first objective will be to learn to think more clearly, logically, and critically about constitutional law. You will do this by (a) reading assigned materials before each class and (b) question-and-answer interactions each class regarding the assigned judicial decisions and their relationship to each other. Second, you will learn a great deal of substantive constitutional law in this course in two important areas: presidential power and federalism. Our case law readings consist of the full court opinions in about 40 cases decided by the United States Supreme Court. Third, you are strongly encouraged to develop further your public speaking skills. In this course, you develop these skills by participating regularly in class discussions, thinking creatively about the legal concepts that we study and expressing your ideas in class, and briefing case before the class. Fourth, you will be writing a brief on a major Supreme Court decision to improve your legal writing skills. This means that by the conclusion of this course, students should be able to identify major trends in constitutional decision making by the Supreme Court, compare and contrast leading decisions by the Court in different areas of constitutional law, explain the similarities and differences in constitutional reasoning in these areas over time, critique the strengths and weaknesses of this reasoning, and debate the desirability of certain constitutional trends as opposed to others.

READINGS: Two packages of photocopied Supreme Court opinions are available at Great Lakes Graphics and Printing in the Commons at the University. Volume 1 contains presidential power decisions; Volume 2 contains federalism decisions. In addition, at times articles from professional journals may be assigned for reading along with cases we are analyzing in class.

GRADES: Each student's grade will be based on:

- (1) Two in-class examinations (25 percent of your final grade each). **Your first exam is on February 26; your second exam is on April 23, in our regular classroom.**
- (2) Class participation in discussion of daily case assignments (40 percent of your final grade).
- (3) One written brief to be handed out and presented in class (10 percent of your final grade.)

MAKE-UP EXAMS: Failure to take a regularly scheduled exam may be subject to penalty. Permission for make-up exams will normally be warranted only for serious medical reasons certified in writing by a physician. The student or a member of his/her immediate family must have suffered a serious physical illness that clearly prevented the taking of the exam. Permission to take a make-up will normally be granted, moreover, only where there is prompt notification to the instructor for the reason for the absence. If one or more students miss one of the exams, one make-up will be administered within two weeks of the regularly scheduled exam. A make-up exam may be of a very different nature, content, and structure than the scheduled exam. And, importantly, there will be only one make-up for a missed exam; if you miss it in addition to the exam originally scheduled, you will receive a grade of zero for the exam! No passing grade for the course can be achieved without taking both exams.

INCOMPLETE GRADES: Note the University's policy on "Incompletes": "A grade of 'Incomplete' (I) may be given a student who has not completed all of the assigned work in a course, if he/she has a passing average and there exists a well defined means by which the course requirements can be completed. The grade of 'I' must be removed within a period of fifteen months. At the time an 'I' is given, the instructor must specify the default grade that the student will receive if no grade change is filed by the instructor before the expiration of the grade period. The default grade is the grade that the student will receive as a course grade if the additional work is not completed. Individual instructors may set shorter time limits for removing an 'Incomplete' within the time limits specified. Students may not graduate with an 'Incomplete' on their record." Also note that, for this course, all "Incompletes" for missing the third exam must be removed through the taking of an exam during the following semester. It is the student's responsibility to find out from the instructor when the make-up exam will be administered.

OFFICE HOURS: Immediately following class; Monday, Wednesday, and Friday 10-11; 503 Park Hall.

SCHEDULE: Our schedule is expected to be as follows:

1/15/13 Introduction

### Presidential Power Cases:

The Prize Cases, 67 U.S. 635 (1862)

Mississippi v. Johnson, 71 U.S. 475 (1867)

Missouri v. Holland, 252 U.S. 416 (1920)

Humphrey's Executor v. U.S., 295 U.S. 602 (1935)

U.S. v. Curtis-Wright Corp., 299 U.S. 304 (1936)

Hirabayashi v. U.S., 320 U.S. 81 (1943)

New York Times Co. v. U.S., 403 U.S. 713 (1971)

U.S. v. Nixon, 418 U.S. 683 (1974)

Train v. City of New York, 420 U.S. 35 (1975)

Dames & Moore v. Regan, 453 U.S. 654 (1981)

Haig v. Agee, 453 U.S. 280 (1981)

Nixon v. Fitzgerald, 457 U.S. 731 (1982)

Sale v. Haitian Centers Council, Inc., 509 U.S. 155 (1993)

Clinton v. Jones, 520 U.S. 681 (1997)

Rasul v. Bush, 542 U.S. 466 (2004)

**2/26/13 FIRST EXAM (Be there!)**

**Federalism Cases:**

Willson v. Blackbird Creek Marsh Co., 27 U.S. 245 (1829)

Mayor of New York v. Miln, 36 U.S. 102 (1837)

Cooley v. Board of Wardens, 53 U.S. 299 (1851)

Collector v. Day, 78 U.S. 113 (1870)

U.S. v. E.C. Knight Co., 156 U.S. 1 (1895)

Hammer v. Dagenhart, 247 U.S. 251 (1918)

West Coast Hotel v. Parrish, 300 U.S. 379 (1937)

South Carolina State Highway Dept. v. Barnwell, 303 U.S. 177 (1938)

Edwards v. California, 314 U.S. 160 (1941)

Wickard v. Filburn, 317 U.S. 111 (1942)

Southern Pacific Co. v. Arizona, 325 U.S. 761 (1945)

Pennsylvania v. Nelson, 350 U.S. 497 (1956)

Cooper v. Aaron, 358 U.S. 1 (1958)

Bibb v. Navajo Freight Lines, Inc., 359 U.S. 520 (1959)

National League of Cities v. Usery, 426 U.S. 833 (1976)

Garcia v. SAMTA, 469 U.S. 528 (1985)

Maine v. Taylor, 477 U.S. 131 (1986)

South Dakota v. Dole, 483 U.S. 203 (1987)

Puerto Rico v. Branstad, 483 U.S. 219 (1987)

New York v. U.S., 505 U.S. 144 (1992)

Printz v. U.S., 521 U.S. 898 (1997)

**4/23/13 SECOND EXAM (Don't Miss it!)**