American Constitutional Law, Spring 2014
Political Science 401
Tues/Thurs 7:15-8:35pm

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Office Hours: by appointment only

Course Description

This course will introduce students to basic concepts in American Constitutional Law - including the history and development of the U.S. Constitution, theories and practice of constitutional interpretation, and the historical context of major controversies of the Supreme Court. Students will develop the intellectual ability to read case law, properly conceptualize and analyze constitutional issues and will foster an informed perspective on the nature and limits of constitutional decision making. Class will spend particular attention on the development of civil rights and civil liberties. The purpose of this course is to develop students’ critical analysis of the role the Constitution and the Supreme Court play in American society.

Course Requirements

- Participation: 25%
- Short Paper: 15%
- Case Briefs and Pop Quizzes: 30%
- Final Paper: 30%

All written assignments must be 12 inch font, double-spaced and with 1 inch margins. All assignments must be emailed to instructor.

Class Participation: Regular attendance and participation in class discussion is expected. I expect all assigned readings to be completed before class - we will not spend time in class summarizing the readings for those who have not completed them.

Short Paper: A 5 page short paper will be due after the First Section of class (History and Introduction) has been completed. This paper will be a response (summary and analysis) to at least three different readings - one from each of the sections that has been assigned reading material - completed in the first month of class. Late papers will be deducted one half-grade per day.

Quizzes and Case Briefs: During the Second Section of class (Controversies of the Supreme Court), there will be regular pop-quizzes and case briefs assigned. Students will have to complete a total of five case briefs, 3–4 pages each. Case briefs will be worth 2 points - late case briefs will receive no credit.
We will spend time in class on the proper format of a case brief. There will also be 5 in-class quizzes on cases and concepts discussed in class. Each pop quiz will be worth a total of 4 points.

**Final Paper:** The final paper will be 10-15 pages, and will be due on Thursday, May 9 at 11pm. Students should use readings from the First and Third Sections of class to analyze 4 - 5 cases studied in class. Late papers will not be accepted. Final papers *may not* use outside sources without prior approval of instructor.

**Academic Integrity**
It is an act of plagiarism to represent someone else’s work as your own, which is a violation of University policy on academic integrity. Copying or downloading words from a book, article, website, or another student’s paper is not acceptable and is considered plagiarism. Plagiarism, cheating during exams, and all other forms of academic dishonesty will not be tolerated and will be reported to the appropriate university authorities.

**Disability accommodation**

“Rutgers University is committed to providing an environment where all students can equally participate in the academic experience. The accommodation of students with disabilities who meet admissions requirements is mandated by both federal and state law. Rutgers University supports these laws by pledging to comply with their requirements.”

[http://www.rci.rutgers.edu/~polcomp/fachand.shtml#sec1](http://www.rci.rutgers.edu/~polcomp/fachand.shtml#sec1)

If you anticipate needing any type of reasonable accommodation in this course or have questions about accessibility, please contact me immediately.
Part I: History and Introduction to the Constitution

1. History: Building America
“Setting the Colonial Stage” in Queer (In)Justice, Andrea Ritchie
“Virginia: Introduction” in Judicial Cases Concerning American Slavery and the Negro, Helen Catterall
“Towards the Revolutionary War” in America’s Women, Gail Collins
excerpt from Chapter 1: Historical Background and Contemporary Themes; Constitutional Law: Principles and Policies, 3rd edition; Chemerinsky
Blackstone Commentaries, “Of the Laws of England” and the Federalist Papers 37, 51, 78

2. Current American Judicial System
“The Prototype of Courts” in Courts, Martin Shapiro
“Introduction” in The Politics of Law, David Kairys

3. Theories of Interpretation
excerpt from Chapter 1: Historical Background and Contemporary Themes; Constitutional Law: Principles and Policies, 3rd edition; Chemerinsky
“Fidelity and Constraint” Lawrence Lessig, 65 Fordham L Rev 1365

4. Jurisdiction and Construction of Courts
Lecture - no assigned readings

Short paper due

II. Controversies of the Supreme Court

1. Early Controversies
Judicial Review: Marbury vs Madison (1803)
National Bank: McCulloch vs Maryland (1819); Thomas Jefferson and Alexander Hamilton’s Opinions on the Constitutionality of a National Bank (1791)
Jurisdiction: Cherokee cases; Cherokee Indian Removal Debate U.S. Senate, April 15–17, 1830
Commerce Clause: Gibbons v Ogden (1824)
2. Civil War and Reconstruction
Slavery: *Dred Scott v. Sandford* (1857); Emancipation Proclamation (1863); “Introduction” and “The Rebirth of Caste” in *The New Jim Crow*, Michelle Alexander
14th Am, Equal Protection: *Plessy v Ferguson* (1863),
14th Am, Privileges and Immunities: *Slaughterhouse Cases* (1873); *Bradwell v Illinois* (1873), *Minor v Happersett* (1875)

3. Economic Liberty
14th Am, Due Process: *Lochner v NY* (1905), *West Coast Hotel* (1937),
Early Commerce Clause: *Hammer v Dagenhart* (1918); *Carter Coal* (1936); Film excerpts: *Newsies, Matewan*; "Newsboys strike", New York Times. October 14, 1884.
The New Deal: *Wickard v Filburn* (1942), *NLRB v Laughlin Steel*
Commerce Clause and Civil Rights: *Heart of Atlanta* (1964); *Katzenbach v McClung* (1964)
The New Federalism: *U.S. v Morrison* (2000); *Gonzales v Raich* (2005),

4. Supreme Court and Anti-Discrimination
14th Am, Equal Protection: *Skinner v OK* (1942); *Brown v Board of Ed* (1954); *Reed v Reed* (1971); *Frontiero v Richardson* (1973); *Craig v Boren* (1976); *Romer v Evans* (1995),

5. Contemporary Cases:

III. Conclusion

*Victims in the Shadow of the Law*, Kristin Bumiller
“Rule of Law” in *Whigs and Hunters*, E.P. Thompson
“Law and Social Movements,” Michael McCann
“What’s Wrong with Rights?” in *Normal Life*, by Dean Spade