

**CONSTITUTIONAL LAW AND AMERICAN POLITICS
GOVERNMENT 3001**

**JOSEPH MARGULIES
FALL 2015**

**SYLLABUS &
CLASS ORGANIZATION**

General:

1. Office Hours:

I have two offices, one in the Government Department at 117 White Hall, and another at the Law School at 238 Myron Taylor Hall. During the 2014-15 school year, I anticipate being at the Government Department MTW, and the law school ThF.

My formal office hours for fall 2015 will be Tuesday, from 1:00 – 4:00 pm, in my office at 117 White Hall. But I will be in one of my offices regularly, and you are encouraged to stop by anytime (though you should probably email first, just to make sure I'm not in a meeting), with whatever questions you might have. If the door is open, feel free to wander in, and the door will always be open unless I am with a student who has specifically asked that it be closed, or I am discussing attorney-client information in one of my cases.

2. Course Requirements, Expectations, and Grades:

Attendance is mandatory.

All students are expected to abide by the Cornell University Code of Academic Integrity: "Absolute integrity is expected of every Cornell student in all academic undertakings." Students unfamiliar with or uncertain about specific attributes of the code should review it on-line at: <http://newstudentprograms.cornell.edu/dos/cms/nsp/Initiatives/upload/AcademicIntegrityPamphlet.pdf>.

The grade will be based on three exams. Exams I & II will be given on the dates indicated in the syllabus. The date for the Final will be scheduled by

the University and announced as soon as possible. Exams I & II are each worth 30 points and the Final is worth 40 points, for a total possible score of 100. **Each exam will be cumulative of all that came before it.**

All exams, including the Final, will be open book. In addition to the textbook and any other assigned reading, you may bring anything into the exam that you have prepared. You may not use a commercial outline during the exam, and you may not download previously written material into the text of your answer. **You may not use the Internet during any Exam, including the FINAL.**

To give you a sense for my exam style, I will post on Blackboard the MIDTERM and FINAL exams I gave spring 2015 in the companion class, Civil Rights and Civil Liberties, Government 3002, which uses a similar text written by the same authors.

The grading rubric for this class is as follows:

A+	99-100
A	92-98
A-	90-91
B+	89
B	82-88
B-	80-81
C+	79
C	72-78
C-	70-71
D+	69
D	62-68
D-	60-61

3. Course Materials

All readings will be drawn from Gillman, Graber, and Whittington, *American Constitutionalism, Volume I: Structures of Government* (Oxford Univ. Press 2013) (GGW). Periodically, I will post additional material on Blackboard, as indicated in the syllabus, but *Structures of Government* is the only text you must purchase.

Syllabus:

I. **Introduction**

August 26, 2015:

- Class Organization and Expectations
- GGW, Preface & ch. 1, pp. xix—26; Appendix 2, pp. 729-738

II. **Origins**

a. August 31, 2015: Colonial Debates

- GGW, ch. 2, pp. 31-47
- Rush Limbaugh, “Why Cheer a 5-4 Decision?” (Blackboard)
- Mark Morford, “Slut-Shaming for the Righteous” (Blackboard)

b. September 2, 2015: Creating & Separating National Power

- GGW, ch. 3, pp. 49–56, 64–91
- John Adams, “Thoughts on Government” (Blackboard)
- The Federalist, Nos. 49, 57, and 62 (Blackboard)

c. September 9, 2015: Debating the Judiciary and the Bill of Rights; Reflections on the Constitutional Text

- GGW, ch. 3, pp. 56–64
- GGW, appendix 1

III. Early Republic

- a. September 14, 2015: Judicial Review
 - GGW, ch. 4, pp. 93–118
 - Algernon Sidney [Spencer Roane], “On the Lottery Decisions” (Blackboard)
- b. September 16, 2015: National Power
 - GGW, ch. 4, pp. 118–139
- c. September 21, 2015: The Powers of States
 - GGW, ch. 4, pp. 139–156, 163–166
- d. September 23, 2015: Presidential Powers
 - GGW, ch. 4, pp. 166–182

IV. The Jacksonian Era

- a. September 28, 2015: Courts and Nullification
 - GGW, ch. 5, pp. 185–200, 228–231
- b. September 30, 2015: Congress vs. the President
 - GGW, ch. 5, pp. 200–205, 233–240, 244–247
- c. October 5, 2015: Slavery
 - GGW, ch. 5, pp. 205–221
- d. **October 7, 2015: EXAM NO. 1**

V. **Civil War and Reconstruction**

- a. October 14, 2015: War Powers
 - GGW, ch. 5, pp. 240–243
 - GGW, ch. 6, pp. 249–251, 256–257, 295–313
- b. October 19, 2015: Secession and Reconstruction
 - GGW, ch. 6, pp. 277–295
- c. October 21, 2015: Congressional Power
 - GGW, ch. 6, pp. 254–256, 262–276, 313–316

VI. **Republican Era**

- a. October 26, 2015: Courts vs. Democracy
 - GGW, ch. 7, pp. 319–345
 - *Lochner v. New York* (Blackboard)
- b. October 28, 2015: Congress, the Corporations, and Civil Rights
 - GGW, ch. 7, pp. 346–377
 - *Fong Yue Ting v. U.S.* (Blackboard)

VII. **New Deal and Great Society**

- a. November 2, 2015: The Fall and Rise of the Courts
 - GGW, ch. 8, pp. 417–458

b. November 4, 2015: Congress, the Economy, and Civil Rights

➤ GGW, ch. 8, pp. 458–488

c. November 9, 2015: The New Deal President

➤ GGW, ch. 8, pp. 490–512

➤ Ex parte Quirin (Blackboard)

➤ Ex parte Endo (Blackboard)

d. **November 11, 2015: EXAM NO. 2**

VIII. Contemporary Politics

a. November 16, 2015: Law and Politics in Transition

➤ GGW, ch. 9, pp. 513–519

➤ GGW, ch. 10, pp. 563–568

➤ GGW, ch. 11, pp. 615–619

b. November 18, 2015: Changing Politics of Judicial Review

➤ GGW, ch. 10, pp. 568–582

➤ GGW, ch. 11, pp. 619–627, 632–637

c. November 23, 2015: Executive Privilege and the Presidential Power/Duty to Execute the Law

➤ GGW, ch. 9, 553–558

➤ GGW, ch. 10, 606–613

➤ GGW, ch. 11, 681–686, 708–714

d. November 28, 2015: War Powers

- GGW, ch. 9, pp. 544–553, 523–527
- GGW, ch. 11, pp. 627–629, 686–708
- Department of Justice Paper on National Security Agency Activities (Blackboard)

e. **December 2, 2015: REVIEW**