

**PSCI 6301 Constitutional Law**  
Fall 2013; Monday 4:00-6:45; FO 1.502

Instructor: Dr. Banks Miller  
Office: GR .3526  
Email: [millerbp@utdallas.edu](mailto:millerbp@utdallas.edu)  
Phone: 972-883-2930  
Office Hours: Wednesday, 1-3

Welcome to this graduate level seminar covering constitutional law. This class is a survey of constitutional law covering cases from the beginning of the American Republic to the present. Given this scope, the reading load in this class is heavy—between 90 and 130 pages of dense material a week. The class uses a law school text in an attempt to prepare you for the rigors of law school. Throughout we will focus on how politics and law interact. Be prepared to read and re-read material in order to fully understand it and budget your time accordingly.

**Goals:**

1. Ability to read and understand case law.
2. Sophisticated understanding of the evolution of constitutional law.
3. Ability to articulate the ways in which law and politics interact.

**Course Material:** There is one, big, book for this class. All required readings come from the text.

Brest, Levinson, Balkin, Amar & Siegel. *Process of Constitutional Decision Making: Cases and Materials* (5<sup>th</sup> Ed.). 2006. ISBN: 073555062X. Aspen Publishers.

**Evaluation:** This is a class that enrolls, potentially, both Ph.D. students and M.A. students and the evaluations for each set of students in this class differ as noted below.

**M.A. Students:**

1. **Exams:** As noted in the course schedule below, there will be two exams each worth 35% of your final grade, for **70%** overall. Each exam will be a mix of multiple choice, short answer, and essay.
2. **Case Brief:** In the course schedule for each set of readings there are cases of interest listed, e.g. *McCulloch v. Maryland*. These are cases that are particularly important for you to understand and as part of your grade in the course you will turn in a written brief of one of these cases during the semester. There is a guide posted on the course website explaining how to brief a case. Follow the guide closely. These may be no more than one single space page (12 or 10 point font). Briefs are worth **10%** of your final grade and are

due at the beginning of class on the day we read the case you are briefing. Briefs must be handed in in-person.

3. Attendance: This is a graduate level seminar. Your attendance is required. Absences will cause your grade to drop precipitously. I will take regular attendance, worth **10%** of your final grade.

4. Participation: This class only works if you work. You must come to class prepared and ready to contribute to in-class discussion. The more that you talk to one another the more likely you are to teach each other. Participation, including asking and answering questions is worth **10%** of your final grade.

### **Ph.D. Students:**

1. Critical Review: focusing on a prominent issue from one period of the Court's history, engage the relevant literature on the issue of your choice including both legal and political explanations for policy outcomes. A research question and a preliminary literature review are due by the first exam date.

Note that a critical review is not a summary of the literature, instead the goal is to synthesize the literature and to advance original arguments about the interaction of law and politics in a particular era of U.S. constitutional history. The paper should identify a research question and explain its importance, then summarize the relevant literature on the issue (identifying strengths and weaknesses) and discuss, if it seems required, any necessary future research. The paper should be 12-18 pages in length, double-spaced, 12-point font. The final paper must include an approximately 100 word abstract. Papers are due one week following the final class day, **December 16<sup>th</sup>**.

Preliminary Research Question/Lit. Review: **10%**

Final Paper: **60%**

2. Case Brief: **10%**

3. Attendance: **10%**

4. Participation: **10%**

Final Grades for both M.A. and Ph.D. students are on the following scale:

90+	A
80-89	B
71-79	C
70 or below	F

## Course Schedule:

Date	Topic	Readings	Cases of Interest
26-Aug	Class Introduction	Epstein & Walker handout	
2-Sep	Labor Day/No Class		
9-Sep	Judicial Power/Judicial Review	17-94	McCulloch v. Maryland
16-Sep	Marshall Court & Early Republic	97-183	Marbury v. Madison; Gibbons v. Ogden
23-Sep	Taney Court & Civil War	187-299	Cooley v. Board of Wardens; Dred Scott v. Sandford
30-Sep	Reconstruction	Ch. 4, except 385-411 & 460-485	Slaughterhouse Cases; Civil Rights Cases; Lochner v. New York; Hammer v. Dagenhart
7-Oct	New Deal & Federalism	485-520; 549-629	U.S. v. Carolene Products; Wickard v. Filburn; U.S. v. Lopez; NFIB v. Sebelius
14-Oct	New Deal & Federalism	649-736	Garcia v. San Antonio Metro; New York v. U.S.; U.S. Term Limits v. Thornton
21-Oct	<b>EXAM 1</b>		
28-Oct	Race 1: Desegregation	893-956	Brown v. Board of Educ.; Milliken v. Bradley
4-Nov	Race 2: Affirmative Action	1071-1155	Batson v. Kentucky; Regents of Univ. of Calif. V. Bakke; City of Richmond v. Croson; Grutter v. Bollinger
11-Nov	Sex Equality	1179-1262	The VMI Case
18-Nov	Reproductive Rights & Abortion	1339-1465	Griswold v. Connecticut; Roe v. Wade; Planned Parenthood v. Casey

2-Dec	Sexuality & Sexual Orientation	1465-1569	Bowers v. Hardwick; Lawrence v. Texas; Romer v. Evans; U.S. v. Windsor
9-Dec	<b>Exam 2</b>		

**Additional UT DALLAS Policies may be found at:**  
<http://go.utdallas.edu/syllabus-policies>