This course examines the development of judicial review and the evolving role of the U.S. Supreme Court through analysis of landmark decisions of the Court. It emphasizes the role of the court in establishing the dividing line between state and federal power through the Commerce Clause, and how that line has shifted over time to authorize new expansions of federal power over areas like civil rights. The course also emphasizes the court’s role in protecting individual rights, with a focus on the Fourth Amendment’s protection against unreasonable searches.

Professor: Peter Hanson  
Peter.Hanson@du.edu  
Office Hours: Monday 10-12 pm; Wednesday 2-4 pm  
Class Meetings: Tues/Thurs 10:00 am to 11:50 am, Sturm 412

OVERVIEW

Expectations: Class sessions will meet for approximately 110 minutes twice a week. You are expected to attend all classes. All course assignments must be completed in order to receive a passing grade.

Assignments: Your overall grade is based on 4 elements.

Class Participation  20%  
Short Paper (5-7 pages, due January 26)  20%  
Midterm (February 19)  30%  
Long Paper (7-10 pages, due March 13)  30%

Readings:  
*Making Our Democracy Work: A Judge’s View* by Stephen Breyer  

All reading materials can be found at the campus bookstore in the Driscoll Center, online from major booksellers, and in e-book format.

Additionally, you will find materials online on Canvas, including a Constitutional Law Casebook in PDF format. I expect that you will always have a copy of the Supreme Court cases assigned for a class session with you in class so that you can mark them up during discussions.
Academic Honesty:
You are required to submit your own work for the course, and to ensure that it is original and properly cited. Students who are found to have plagiarized coursework will receive a failing grade for the course. For additional information, please refer to DU’s policies on student conduct at:

http://www.du.edu/studentlife/studentconduct/honorcode.html

Students with Disabilities:
Appropriate accommodations will be made for students with disabilities. Please visit DU’s website on its Disabilities Service Program for additional information.

http://www.du.edu/studentlife/disability/dsp/

Grading Scale

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<th>Manually Entered as</th>
<th>Will Calculate as</th>
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<tr>
<td>A</td>
<td>100% to 94%</td>
<td>97.5%</td>
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<tr>
<td>A-</td>
<td>&lt; 94% to 90%</td>
<td>92.5%</td>
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<tr>
<td>B+</td>
<td>&lt; 90% to 87%</td>
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<td>B</td>
<td>&lt; 87% to 84%</td>
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<td>B-</td>
<td>&lt; 84% to 80%</td>
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<td>C+</td>
<td>&lt; 80% to 77%</td>
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COURSE OUTLINE

WEEK ONE
January 6: Introduction

January 8: Debates on the Constitution

   Letter from Madison to Jefferson [Casebook]
   Letter from Jefferson to Madison [Casebook]
   Federalist 51 [Casebook]
   Antifederalist, Brutus I [Canvas]
   Antifederalist, Brutus XI [Canvas]

WEEK TWO
January 13: Why Judicial Review?

   Federalist 78 [Casebook]
   Marbury v. Madison (1803) [Casebook]
   Breyer, Chapters 1-2

January 15: Can the Court Stand Against the Majority?

   Breyer, Chapters 3-6

WEEK THREE
January 20: How should the Constitution be interpreted?

   Breyer, Part II introduction, Chapters 7-8
   Antonin Scalia: “Originalism: The Lesser Evil” [Canvas]

January 22: Where is the line between state and federal power?

   McCulloch v. Maryland (1819) [Casebook]
   Gibbons v. Ogden (1824) [Casebook]

** SHORT PAPER DUE TO ME BY EMAIL IN WORD FORMAT ON MONDAY, JANUARY 26 AT 5 PM ***
WEEK FOUR
January 27: Regulating Morality with the Commerce Clause

Cooley v. Board of Wardens of Philadelphia (1851) [Casebook]
Champion v. Ames (1903) [Casebook]
Hipolite Egg Co. v. United States (1911) [Casebook]
Hoke v. United States (1913) [Casebook]

January 29: Searching for a Limit

U.S. v. E.C. Knight (1895) [Casebook]
Southern Railway Co. v. United States (1911) [Casebook]
Houston, East & West Texas Railway Co. v. United States (1913) [Casebook]
Hammer v. Dagenhart (1918) [Casebook]

WEEK FIVE
February 3: The New Deal Crisis

Railroad Retirement Board v. Alton Railroad (1935) [Casebook]
Carter v. Carter Coal (1936) [Casebook]
FDR’s Radio Address [Casebook]

February 5: The Court Reverses

National Labor Relations Board v. Jones & Laughlin Steel Corporation (1937) [Casebook]
Wickard v. Filburn (1942) [Casebook]
Heart of Atlanta Motel, Inc. v. United States (1964) [Casebook]
Katzenbach v. McClung (1964) [Casebook]

Guest Speaker: Prof. Amanda Hollis-Brusky

WEEK SIX
February 10: The Rehnquist Revolution

U.S. v. Lopez (1995) [Casebook]
U.S. v. Morrison (2000) [Casebook]
Gonzalez v. Raich (2005) [Casebook]

February 12: Health Care

Check with me on edits due to length of case.
WEEK SEVEN
February 17: Midterm Review (in class)

February 19: Midterm Examination (in class)

WEEK EIGHT
February 24: Fourth Amendment and Police Stops

  *Terry v. Ohio (1968)* [Canvas]

February 26: Race, the Fourth Amendment and Traffic Stops

  “Why have I lost control?” by Cory Booker

WEEK NINE
March 3: Traffic Stops Continued

  Epp, et al., chapters 5-8

March 5: Location Tracking

  *U.S. v. Jones* (2012) [Canvas]

WEEK TEN
March 10: Searches of Cell Phones

  *Riley v. California* (2014) [Canvas]

FINAL PAPER DUE MARCH 13, 5 P.M., BY EMAIL TO ME IN WORD FORMAT.