PLSI 314 (Spring 2006)
Judicial Power and the Constitution (5 units)
Tue & Thur, 3:30pm – 5:55pm (CRN: 23093);
Location: CB, Room 103

Professor: Dr. Dominique Apollon
Department of Political Science
California State University, Bakersfield
Office Hours: Tuesdays & Wednesdays, 1pm – 3pm; or by appt.
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Course Purpose/Objectives: This is a course in American Politics. The major purpose is to illuminate the role and functions of courts, primarily the U.S. Supreme Court, in the American political system. Put another way, the key objective is to conceptualize and discuss courts and law as part of, not apart from, the political process.

The central focus of the course is on the Supreme Court and its role in dealing with major problems and issues of constitutional law. Principally, these problems and issues will be examined in two major areas: 1) the nature and operation of separation of powers; and 2) the nature and operation of the federal system. While the civil rights and liberties of individuals will be discussed in the context of these two major areas, detailed treatment of these issues are reserved for PLSI 315 – Civil Liberties (offered again in 2006-07).

Particular attention is given to: a) the nature, capacity, and limitations of courts and the judicial process in dealing with policy issues; b) the substance of judicial policies and factors that might account for policy continuity and change over time; c) the role of the judicial function in the resolution/management of policy conflict; and d) the relation and interaction of the judiciary with other governing institutions, i.e., the Congress and the President, in the formulation of public policy and in the political system generally.

Course assignments and required participation in classroom discussions are designed to enhance students’ oral presentation and writing abilities.

Required Texts: The required texts for the course, Epstein and Walker, Constitutional Law for a Changing America – INSTITUTIONAL POWERS AND CONSTRAINTS, Fifth Edition (E&W) and Robert G. McCloskey’s The American Supreme Court, Fourth Edition (McCloskey) are available at the University Bookstore. Mandatory supplementary readings will be announced in class, and will generally be available via our WebCT course page, or on the online supplement to E&W.
**Course Format/Expectations:** Generally, the class will be conducted in an informal lecture-discussion format, designed to stimulate continuous active engagement and dialogue between the instructor and students and between and among students themselves. Each week in which we do not have a scheduled exam, one quarter of the class will be pre-selected to write a 2-4 page “Idea/Discussion” paper on the assigned readings and related current events. This means you will write one paper before the midterm, and one paper after the midterm. You will also be required to deliver a five-minute oral presentation summarizing your paper and proposed discussion questions at least once during the quarter. Idea/Discussion papers will be due via WebCT email by 11:59pm the Monday of your assigned week (more on this during the course orientation lectures).

To further stimulate preparation and enrich class participation, another selected panel of one quarter of the class will be given advance notice and should expect the instructor to ask them questions of fact and opinion regarding cases and materials assigned for that week. This should in no way discourage other students from participating who want to participate. In short, just because your particular panel will not be held responsible for readings during given class discussions should not deter you from participating. As noted below, class participation is an important component of your overall course grade.

**Grading**

- Class Participation/Exercises 15%
- Idea/Disc. Papers 20%
- Mid-Term Examination 30%
- Final Examination 35%

**Course Outline (subject to change):**

<table>
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<tr>
<th>WEEK OF</th>
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| March 28 | **Course Orientation**  
  *The U.S. Constitution and Judicial Power*  
  E&W, Part I (p. 3-11)  
  McCloskey, Chapter One  
  E&W, Ch. 1 (p. 13-24)  
  E&W, Part II (p. 57-62) |
| April 4 | **Supreme Court Decision-making**  
  *Judicial Review*  
  E&W, Ch. 1 (p. 25-48)  
  McCloskey, Chapter Two  
  E&W, Ch. 2 (p. 63-94) |
April 11  
*Constraints on Judicial Power*  
E&W, Ch. 2 (p. 94-122)  
*Legislative Power*  
McCloskey, Chapter Three  
E&W, Ch. 3 (selections)  

April 18  
*Presidential Selection; Executive Power*  
E&W, Ch. 4 (selections)  

April 25  
*Executive Power During War; Separation of Powers*  
E&W, Ch. 4 (cont’d)  

May 2  
**Midterm Examination**  
*Federalism*  
E&W, Part III (p. 319-323)  
McCloskey, Ch. 4  
E&W, Ch. 6 (selections)  

May 9  
*The Commerce Power*  
McCloskey, Ch. 6 (p. 91-100)  
E&W, Ch. 7 (selections)  

May 16  
*The Power to Tax and Spend; The Contract Clause*  
E&W, Ch. 8, 9 (selections)  

May 23  
*Economic Substantive Due Process*  
McCloskey, Ch. 6 (p. 100-120)  
E&W, Ch. 10 (selections)  

May 30  
*Takings Clause*  
*Course Wrap-up*  
E&W, Ch. 11 (selections)  
McCloskey (selections)  

**Final Examination – Tuesday, June 6 – 5:00pm – 7:30pm**