

**Proseminar: American Constitutionalism: Powers of Government
Winter Semester 2005**

Prof. Paul Rundquist

Thursday 10-12

Meeting: Landw. Fakultät, Julius-Kuhn-Haus, Ludwig-Wucherer-Str., SR8

Sprechstude: Di 11-12, Room 3, Institut für Politik

Course Description: This is a course combining lectures and student class presentations. During the semester we will be reviewing interpretations of the American Constitution by the US Supreme Court on a variety of topics related to the power of the Federal Government. The summer semester part of this course deals with the Bill of Rights and Supreme Court rulings on citizen rights and liberties. The basic readings for the course are (in electronic form) a key interpretative book on key court rulings, and the text of the court rulings themselves. Copies of various constitutional law text books will be available on reserve as well. A listing of weekly session topics and cases to be reviewed will be distributed in class.

Students will be expected to participate in one class presentation summarizing the cases to be covered that week, and student papers will also be required reviewing in a more comprehensive manner the evolution of rulings by the court on a major topic area. A list of cases will be distributed at the second class session, and signup sheets will be distributed for those wishing to give a class presentation.

Grade Requirements:

Students will be required to attend regularly and to read the relevant materials from the Constitution Annotated and reviewing the cases. Student presentations will focus on the issues and principal Supreme Court cases touching on the topics for their selected week. In order to receive a grade for the course, students must also prepare a course paper discussing more completely the development of court rulings on a particular topic covered by this course. Specifically, they should not prepare course papers which deal with citizen rights and related issues that will be covered in the summer semester course.

Required Reading:

Johnnie H. Killian and George Costello, eds. The Constitution Annotated (Washington, US Government Printing Office, 1992). With electronic supplements.

<http://www.gpoaccess.gov/constitution/browse.html> Electronic version, PDF/HTML

Full text of important Supreme Court cases: organized by case name.

<http://straylight.law.cornell.edu/supct/cases/name.htm> Use in conjunction with Constitution Annotated to find full opinion text of court case.

Alexander Hamilton, James Madison, and John Jay. The Federalist. (various English editions).

<http://www.constitution.org/fed/federa00.htm> Privately established electronic text in English.

Recommended Reading:

Additional reading available (on reserve at university library)

Kermit L. Hall, ed. *The Oxford Guide to Supreme Court Decisions* (New York, Oxford University Press, 1999). Available at Anglistik library, Dachritzstr. 12. May be consulted in the library.

Lawrence Tribe. *American Constitutional Law* (New York, Foundation Press, 2000). Available at Juridicum, Universitätsplatz 3-5, for consultation in the library).

Felix Ermacora, hrsg. *Der Föderalist von Alexander Hamilton, James Madison, und John Jay*. Übers. von Kamilla Demmer. Wien: Manz, 1958. This may be faster reading for you in German.

Important Electronic Sites:

Links to famous Supreme Court Cases. Website of the University of Kansas Law School with excellent supporting materials. For this semester, see especially, *Marbury v. Madison*.

<http://www.law.umkc.edu/faculty/projects/ftrials/conlawlinks.htm>

University of Göttingen American Studies Website about the Federalist Papers and the formation of the Constitution.

<http://grid.let.rug.nl/~usa/GOV/chap2.htm>

Constitution.net is a privately established website that has been widely cited in the U.S. for the range of information it contains: text of the Constitution, explanations of key constitutional concepts, and message boards and other electronic democracy features.

<http://www.usconstitution.net/index.html>

The Supreme Court's website has much useful information. Unfortunately, it does not provide the full text of all of its rulings on line, only the most recent ones.

<http://www.supremecourtus.gov>

Class Schedule and Topics

October 20

Course Introduction and Administrative Matters

October 27

Lecture: The Constitutional Origins and the Development of the Supreme Court
[Readings: *Federalist Papers* and Introduction to *Constitution Annotated*]

Class Presentations May Begin Starting on November 3. If there is no class presentation, the class will be in lecture format, with students expected to be able to answer questions about the content of the key cases within each topic.

November 3

Lawmaking Powers: To Tax and Spend for the General Welfare

November 10

Lawmaking Powers: "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes"

November 17

Lawmaking Powers: "To establish an uniform Rule of Naturalization."

November 24

Lawmaking Powers: "To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress."

December 1

Lawmaking Powers: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

December 8

Executive Powers: "The executive Power shall be vested in a President of the United States of America."

December 15

Executive Power: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States."

December 22

Executive Power: Ministerial Functions of the Government: "He shall from time to time give to the Congress Information of the State of the Union, and recommend to their

Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States."

January 5

State Power: "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State."

January 12

Political Matters: Elections and Operations: "Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide. Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two-thirds, expel a Member."

January 26

Political Matters: Impeachment: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."