

Tom Hunter  
Pafford 126  
678-839-4994  
[thunter@westga.edu](mailto:thunter@westga.edu)

Fall 2009  
Office Hours: MW, 3:15-8:15,  
by chance or by appointment

## **POLS 4301 & 5301: CONSTITUTIONAL LAW I: THE FEDERAL SYSTEM**

This course, the first in a two-semester sequence on American Constitutional Law (courses not required to be taken in conjunction), will first introduce students to the Federal Court System and the United States Supreme Court, and then examine the development and current doctrines concerning separation of powers and federalism. Students will gain knowledge of the application of American Constitutional provisions to the operation of American institutions, and to the federal relationship, as well as an understanding of the case method of study.

The course will meet twice a week, Monday and Wednesday, at 12:30-1:45 p.m., in Pafford 111. In order to pass the tests and exam, it is imperative that one come to almost every class – and while there, to pay attention and take thorough notes. It is also quite important to complete the reading assignments *before* they are discussed in class, and to bring the casebook to class; the assigned readings will come from two works: David M. O'Brien's Storm Center (8<sup>th</sup> ed., 2008), which we will read over the first three weeks of class, and then O'Brien's Constitutional Law and Politics, Volume I (7<sup>th</sup> ed., 2008) (the “casebook”), which we will use over the remainder of the semester.

There will be two tests during the semester, the first on or around September 23, and the second on or around October 26, each of which will count 30% towards the final grade. The final examination will be on December 9 at 11:00 a.m., and will constitute the remaining 40% of the grade. A ten-point scale will be used for all tests, and make-up tests will not be given unless permission to miss a scheduled test has been given by me *in advance*. Evidence of cheating on any test will be grounds for receiving an F for the course, and will also be reported to the Office of the Vice President for Academic Affairs, which could lead to suspension or expulsion from the university.

A syllabus is attached.

## SYLLABUS

Changes may be made to the following syllabus at the instructor's discretion.

### INTRODUCTION: THE CONSTITUTION AND CONSTITUTIONAL LAW

Aug 17: Course Introduction

Aug 19: Briefly Through the Constitution

O'Brien, Constitutional Law and Politics ("CL&P"), 1-21  
Begin O'Brien, Storm Center

### SECTION I: THE SUPREME COURT

Aug 24-Aug 26: The Federal Court System; Supreme Court Jurisdiction and Work Life

Continue reading O'Brien, Storm Center

Aug 31-Sept 2: Supreme Court History and Staffing

Finish O'Brien, Storm Center by September 9

Sept 9-Sept 14: Judicial Review

O'Brien, CL&P, 27-66

Sept 16-Sept 21: Justiciability

O'Brien, CL&P, 102-174

SEPT 23: FIRST TEST (30% of Final Grade)

### SECTION II: THE PRESIDENT AND THE CONSTITUTION

Sept 28-Sept 30: Presidential Powers

Oct 5-Oct 7: The President and Foreign Affairs

For Sept 28-Oct 7: O'Brien, CL&P, 232-337

Oct 12-Oct 14: The President and Domestic Power; Removal Power

O'Brien, CL&P, 338-415

Oct 19-Oct 21: Presidential Immunity; Executive Privilege  
O'Brien, CL&P, 453-480

OCT 26: SECOND TEST (30% of Final Grade)

### SECTION III: CONGRESS AND THE CONSTITUTION

Oct 28: Membership; Congressional Immunity  
O'Brien, CL&P, 482-511

Nov 2-Nov 4: Delegation of Legislative Authority; Legislative Veto  
O'Brien, CL&P, 416-453

Nov 9: Congress's Investigatory Power  
O'Brien, CL&P, 511-541

Nov 11-Nov 23: The Commerce Clause  
O'Brien, CL&P, 542-667, 681-769

Nov 30-Dec 2: Congressional Elections and the Constitution  
O'Brien, CL&P, 833-906

DEC 9 (11:00 a.m.): FINAL EXAM (40% of Final Grade)