

ULLC 100
WE THE PEOPLE:
DISCOVERING THE HUMAN SIDE OF
LANDMARK SUPREME COURT CASES
FALL 2009

GENERAL INFORMATION:

Time and Place: Monday, Wednesday, and Friday 3:00 P.M.
Ratcliffe Hall 116

Instructor: William E. Thro
University Counsel & Assistant Professor

Telephone: 757-594-7571

E-mail wthro@cnu.edu

Fax: 757-594-7864

Offices: McMurrin Hall 101P
Administration Building 406C

Office Hours: 30 minutes before class and 30 minutes after class in
McMurrin Hall 101P
9:00.A.M-5:00 P.M. Monday-Friday in Administration
Building 406C (Call first to ensure that I am available)

COURSE OBJECTIVES:

Judges, lawyers, academics, and laypersons study Supreme Court decisions in order to understand and apply principles of constitutional law. However, Supreme Court decisions are much more than abstract principles. Each decision is also a series of stories about individuals, attorneys, and our society at a particular point in history. This seminar explores the drama behind some of the most important cases in American history. Although this course deals with the Constitution, it is also about power, money, religion, sex, and courage.

READING ASSIGNMENTS:

The textbooks for this class are:

Michael Dorf (ed), CONSTITUTIONAL LAW STORIES (2004) (Foundation Press)

Thomas G. Walker, ELIGIBLE FOR EXECUTION: THE STORY OF THE DARYL ATKINS CASE (2009) (CQ Press)

HONOR CODE: I WILL ENFORCE THE CNU HONOR CODE.

“On my honor, I will maintain the highest possible standards of honesty, integrity, and personal responsibility. That means I will not lie, cheat, or steal and as a member of this academic community, I am committed to creating an environment of respect and mutual trust.”

This means that all of your work is **completely** your own. If you “borrow” words or ideas from another source or person, either by quoting or by paraphrasing, it must be properly cited; otherwise, it is plagiarism. For more details, please see www.plagiarism.org. All honor code violations will be reported to the university administration and, as a minimum, will result in a failing grade in this course.

CLASS PARTICIPATION (100 points or 20% of Grade):

Class discussions are a critical part of learning in this class. Students are expected to do all required reading and to participate in class discussions. Every other class period will be devoted to class discussions.

Because class discussions are important, it is critical that you attend class. If you have an unexcused absence, you will receive a zero for that day. If you are ill or if there is some compelling reason for you to miss class, you will need to contact me about an excused absence. In some situations, I may request written confirmation from a health care professional.

Laptops, are allowed only for taking notes – and all other electronic devices (cell phones, Blackberry’s, pagers, etc.) must be turned off. I will allow you to drink a non-alcoholic beverage, but please refrain from eating or chewing gum.

WRITING (100 points or 20% of Grade):

You will submit one paper of 10-12 pages dealing with the historical and contemporary significance of one of the cases that we discuss in class. You may pick the case, but you must do so by the end of the second week of class. A first draft is due on **October 2, 2009**. The instructor will have individual conferences with the students to discuss the first draft and improvements. The final draft is due on **November 13, 2009**. Absent extraordinary circumstances, no late papers will be accepted.

The paper will be typed, double-spaced, 1-inch margins (top, bottom, right, and left), 12-point type, and page numbers at the bottom center of the page. Citations will be in footnotes, 12-point type, single-spaced, and placed at the bottom of the page.

PRESENTATIONS (100 points or 20% of the Final Grade):

During the last two weeks of class, each student will give a ten-minute presentation using power point or some other visual medium. The presentation will summarize the key points of the student's paper.

EXAMINATIONS (200 points or 40% of the Final Grade):

There will be a mid-term examination (100 points or 20% of the Final Grade) and a comprehensive final examination (100 points or 20% of the Final Grade). Both will be entirely short essay. Grading will be based on analytical reasoning, knowledge of the subject, and clarity of reasoning and writing.

CLASS SCHEDULE AND ASSIGNMENTS:

Week I

August 24	Introduction
August 26	Lecture on <i>Marbury v. Madison</i>
August 28	Class Discussion on <i>Marbury v. Madison</i>

Week II

August 31	Self-Management
September 2	Lecture on <i>McCulloch v. Maryland</i>
September 4	Class Discussion on <i>McCulloch v. Maryland</i>

Week III

September 7 Time Management & Setting Goals
September 9 Lecture on *Wickard v. Filburn*
September 11 Class Discussion on *Wickard v. Filburn*

Week IV

September 14 Listening and Taking Lecture Notes
September 16 Lecture on *Dred Scott v. Sandford*
September 18 Class Discussion on *Dred Scott v. Sandford*

Week V

September 21 Test Taking Skills
September 23 Lecture on *Plessy v. Ferguson*
September 25 Class Discussion on *Plessy v. Ferguson*

Week VI

September 28 Improving Memory
September 30 Lecture on *Korematsu v. United States*
October 2 Class Discussion on *Korematsu v. United States*
October 2 **First Draft of Paper Due**

Week VII

October 5 Learning Styles and Review for Mid-Term
October 7 Mid Term Examination
October 2 Lecture on *Lochner v. New York*

Week VIII

October 12 Fall Break
October 14 Class Discussion on *Lochner v. New York*
October 16 Review Mid-Term

Week IX

October 19 Lecture on *West Virginia State Board of Education v. Barnette*
October 21 No Class—Education Law Association
October 23 No Class—Education Law Association

Week X

October 26 Class Discussion on *Barnette*
October 28 Lecture on *Employment Division v. Smith*
October 30 Class Discussion on *Employment Division v. Smith*

Week XI

November 2 Lecture on *Roe v. Wade*
November 4 Class Discussion on *Roe v. Wade*
November 6 Lecture on Death Penalty (Walker, Chapters 1-7)

Week XII

November 9 Class Discussion on Death Penalty
November 11 Lecture on *Atkins v. Virginia* (Walker, Chapters 8-12)
November 13 Class Discussion on *Atkins v. Virginia*
November 13 **Papers Due**

Week XIII

November 16 Student Presentations
November 18 Student Presentations
November 20 Student Presentations

Week XIV

November 23 Student Presentations
November 25 Thanksgiving
November 27 Thanksgiving

Week XV

November 30 Student Presentations
December 2 Student Presentations
December 4 Student Presentations

Examination Week

December TBA Final Examination— Comprehensive

GRADING:

Class Participation — 100 points

Midterm Examination — 100 points

Paper — 100 points

Presentation — 100 points

Final Examination (comprehensive) — 100 points

GRADING SCALE:

(500 possible points)

461-500	A
450-460	A-
440-449	B+
411-439	B
400-410	B-
390-399	C+
361-389	C
350-360	C-
300-349	D
Below 300	F