This course will provide an introduction to American constitutional law and thought, emphasizing major historical and contemporary developments, such as the establishment of judicial review and federal control over the economy, slavery, the development of executive power, the welfare state, and contemporary issues concerning race. First Amendment issues (speech, press, and religion) and issues concerning gender and sexuality are covered in separate courses.

**NOTE:** Students may not take both this course and POLT 202 for credit. Not recommended for first-year students. A previous course on American government is advisable, but not required. No auditors please.

The most important thing to know is that this is a discussion course. Students are expected to keep up with the reading and to participate actively in class discussions. Class participation will count as .25 of your grade.

The reading for the course is from Paul Brest et al, *Processes of Constitutional Decisionmaking*, the 5th edition and the 2010 supplement. Bring the book to class.

Written work: There will be two moot courts. Students will write group opinions in each of these cases; two students in each case will serve as counsel and argue the case orally. In addition, students will write four short “reaction” papers during the semester (eight assignments below are marked with an asterisk; students will choose four for these papers). Reaction papers (approx 2 pp) must be turned in at the beginning of the class for which the material is assigned. The first of these papers must be done before the end of October. There will be a take-home final exam.

Feedback about the course is welcome throughout.

Students are reminded to consult the College honor code, and any student with a documented disability should consult the instructor about appropriate accommodation.
Class schedule


M 9/13. (continued) 53-84.


F 10/1. FIRST MOOT COURT. The New Deal. 499-522, 553-554.

M 10/4. Courts meet

W 10/6. Courts meet


W 10/13. Moot court papers due (no class).


W 10/20. The Tide Turns. 941-942 plus full text of Milliken online.

F 10/22. Inter-racial Marriage; Race in Wartime. 966-981, 958-966.

M 11/1. (Extra class in case we fall behind)


*F 11/12 Affirmative Action 1071-1077, plus full text of Bakke online.

M 11/15. (continued) 1077-1109.

W 11/17. (continued) 1120-1151.

F 11/19. Moot court papers due (no class).


W 11/24. No class; Happy Thanksgiving.

M 11/29. (continued) 871-885.

W 12/1. (continued) Supplement, 119-144.

F 12/3. (continued) Supplement, 144-178.


M 12/13. Last class.