

McGILL UNIVERSITY

DEPARTMENT OF POLITICAL SCIENCE

POLITICAL SCIENCE 425

SELECTED TOPICS IN AMERICAN POLITICS:
THE SUPREME COURT AND CONSTITUTIONAL LAW

Prof. Harold M. Waller
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Office Hours MW 11:45 – 12:15 and M 4:15 – 5:15

Fall 2015
MW 10:05-11:25
Strathcona Anatomy 1/12

Textbooks Available in Bookstore

David O'Brien, *Storm Center*, 10th Edition.
David O'Brien, *Constitutional Law and Politics*, 9th Ed., Vol. 2
Course Pack (Print and electronic versions are available.)

Note: The two books are available in the Bookstore as a bundle. Assigned Readings in the textbooks are required. Other readings are denoted R (required) or S (supplementary). Generally the R readings are in the Course Pack.

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| Sept. 4-9 | The Judiciary in the Constitutional System
O'Brien, S.C., R: Ch. 1-2
O'Brien, C.L.P., Ch. 2A
Silverstein, R: Ch. 5-6
Murphy, S: Ch. 1 |
| Sept. 14-16 | The Supreme Court
O'Brien, C.L.P., Ch. 2B-2H
O'Brien, S.C., R: Ch. 3-5
Cooper and Ball, R: Ch. 3
Stevens, S: Ch. VII |
| Sept. 21-23 | Interpreting the Constitution
O'Brien, C.L.P., Ch. 1B
Ely, R: Ch. 1-2
Epstein and Knight, R: Ch. 3-4
Tribe, R: Part I
Murphy, S: Ch. 3-4, 8. |

Baum, R: Ch. 5-6
Domino, R: Ch. 8
Fisher, R: Ch. 7

BOOKS ON RESERVE

Henry J. Abraham and
Barbara Perry *Freedom and the Court, 7th Ed.*

Lawrence Baum *The Supreme Court, 9th Ed.*

Stephen Breyer *Making Our Democracy Work*

Philip Cooper and
Howard Ball *The U.S. Supreme Court*

John C. Domino *Civil Rights and Liberties
in the 21st Century, 3rd Ed.*

John Hart Ely *Democracy and Distrust*

Lee Epstein & Jack Knight *The Choices Justices Make*

Louis Fisher *The Constitution and 9/11*

Walter Murphy et al. *American Constitutional Interpretation, 4th Ed.*

David M. O'Brien *Constitutional Law and Politics
9th Ed., Volumes 1 and 2*

David M. O'Brien *Storm Center, 10th Ed.*

Silverstein, Mark *Judicious Choices, 2nd Ed.*

John Paul Stevens *Five Chiefs*

Kathleen Sullivan and
Gerald Gunther *Sullivan and Gunther's
Constitutional Law, 16th Ed.*

Cass Sunstein *Radicals in Robes: The Roberts Court and the
Constitution*

Laurence Tribe *The Invisible Constitution*

Laurence Tribe and Joshua Matz *Uncertain Justice: The Roberts Court and the Constitution*

Mark Tushnet *A Court Divided*

COURSE REQUIREMENTS

Term Paper (about 15 pages, submitted as hard copy on Dec. 2)	50%
Final Examination	50%

In addition, each student will be required to submit a brief of one Supreme Court case. Although submission is a requirement, the brief will not be graded.

The option of additional work is not available. There will be a supplemental examination. According to Senate regulations, instructors are not permitted to make special arrangements for final examinations. Please consult the Calendar, section 4.7.2.1, General University Information and Regulations at www.mcgill.ca.

LECTURE SCHEDULE

The class will meet from 10:05 to 11:25 on Mondays and Wednesdays. The University will operate on a Monday schedule on Friday, September 4. Our first lecture will be on that date.

There will be no lectures on three Mondays, September 14 and 28 and October 5, and one Wednesday, September 23. Arrangements will be announced during September regarding how those classes will be made up.

There are no conference sections in this course.

POLICY STATEMENTS

McGill University values academic integrity. Therefore all students must understand the meaning and consequences of cheating, plagiarism and other academic offenses under the Code of Student Conduct and Disciplinary Procedures. (See <http://www.mcgill.ca/integrity> for more information.)

In accord with McGill University's Charter of Students' Rights, students in this course have the right to submit in English or French any written work that is to be graded.

In the event of extraordinary circumstances beyond the University's control, the content and/or evaluation scheme in this course is subject to change.