Professor John Gruhl  
Office: 534 Oldfather  
Office hours: TTh 11-11:30; 3:30-5  
Office phone: (402) 472-3218  
Email: jgruhl1@unl.edu (Put the course name or number on the subject line, so your email isn’t overlooked.)

Course Outline:

I. Separation of powers

A. Judicial branch

1. Judicial review
   Marbury v. Madison, Epstein and Walker, beginning on p. 63  
   Eakin v. Raub, 84  
   Martin v. Hunter’s Lessee, 74  
   Ex Parte McCordic, 90  
   Boumediene v. Bush, ereserves

2. Self-imposed limits

   a. Standing requirement
      Hollingsworth v. Perry, ereserves  
      Los Angeles v. Lyons, ereserves  
      Elk Grove Unified School District v. Newdow, ereserves  
      Warth v. Seldin, ereserves  
      Northeastern Fla. Contractors v. Jacksonville, ereserves  
      Lujan v. Defenders of Wildlife, ereserves  
      Friends of the Earth v. Laidlaw Environmental Services, ereserves  
      Mass. v. EPA, ereserves

   b. Political question doctrine
      Baker v. Carr, 98  
      Nixon v. U.S., 104  
      Bush v. Gore, 186  
      “Order Without Law”; “Leaving the Decision to Congress”; “Supreme Injustice”--ereserves

3. Immunity
   Stump v. Sparkman, ereserves
B. Executive branch

1. Domestic matters
   a. General
      In re Neagle, 198
   b. Veto and signing statements
      Clinton v. New York City, 206
      Signing statements, 210
   c. Executive privilege and secrecy
      U.S. v. Nixon, 229
      Cheney v. U.S. District Court, ereserves
   d. Surveillance
      U.S. v. U.S. District Court, ereserves

2. Foreign relations
   a. General
      U.S. v. Curtiss-Wright Export, 253
      Dames and Moore v. Regan, 308
   b. Wars
      Prize Cases, 279
      Dellums v. Bush, ereserves
      Youngstown Sheet and Tube v. Sawyer, 302
   c. Wars: individual rights
      Ex Parte Milligan, 283
      Korematsu v. U.S., 294
      Ex Parte Quirin, 290
      Hamdi v. Rumsfeld, 314
      Rasul v. Bush, ereserves
      Boumediene v. Bush
   d. Surveillance
      Klayman v. Obama, ereserves
      ACLU v. Clapper, ereserves

Midterm Exam—tentative location in the outline

3. Immunity
   Nixon v. Fitzgerald, 237
   Clinton v. Jones, 241
C. Legislative branch

1. Membership
   U.S. Term Limits v. Thornton, 132

2. Legislative Power
   McCulloch v. Md., 148 & 334
   S. Car. v. Katzenbach, 176
   Mo. v. Holland, 376

3. Investigative power
   McGraw v. Daugherty, 157
   Watkins v. U.S., 162
   Barenblatt v. U.S., 166

4. Immunity
   Gravel v. U.S., 140

II. Federalism

A. Commerce power

1. General
   Gibbons v. Ogden, 394
   Gibbons v. Ogden additional excerpt, ereserves

2. Economic problems
   U.S. v. E.C. Knight, 401
   Hammer v. Dagenhart, 411
   “Court-Packing Plan,” 425
   “The Switch in Time,” 429
   NLRB v. Jones and Laughlin, 429
   U.S. v. Darby, 436
   Wickard v. Filburn, 439
   National League of Cities v. Usery, 448
   Garcia v. San Antonio Metropolitan Transit Authority, 449

3. Other problems
   Heart of Atlanta Motel v. U.S., 444
   Daniel v. Paul, ereserves
   U.S. v. Lopez, 455
   U.S. v. Lopez: Thomas’ concurring opinion, ereserves
   U.S. v. Morrison, 461
   Gonzales v. Raich, 467
4. Health Care
   National Federation of Independent Business v. Sebelius, 474

B. Taxing and spending power
   Bailey v. Drexel Furniture, 526
   U.S. v. Butler, 519
   Steward Machine v. Davis, 523
   National Federation of Independent Business v. Sebelius, 543

C. National preemption of state laws
   Mo. v. Holland
   Az. v. U.S., 385
   Az. v. Inter-Tribal Council of Az., ereserves

Final exam—Wed., May 7, 1-3

Course Reading:

Epstein and Walker, Institutional Powers and Constraints, 8th ed.. In addition, some cases not included in the text, listed as “ereserves,” are available through Blackboard. (In the box on the left, click on “Course Reserves.”)

Course Requirements and Grading:

There will be a midterm exam and a final exam. Both will be all essay, and each will count for one-fourth of your grade. There will be a research assignment, which will be described in class. This will count for one-fourth. In addition, class participation is expected and is especially important in this course, which revolves around class discussion. It will count for the remaining one-fourth. “Participation” means participation—attendance alone does not count as participation. (If class discussion becomes sluggish, you may be required to turn in some briefs. These will be included in the evaluation of your class participation.)

If you are taking this course on a pass-no pass basis, you must do C work to pass, in accordance with university policy. (Note: political science courses, except internships, taken on a pass-no pass basis do not count toward a political science major.)

Course Policies:

Attendance: Not be taken, but you, of course, are responsible for all material covered in class and need to attend to participate. A significant portion of the exams will come from material covered in class.

Make-up exams and paper: Available only in special circumstances. You should receive prior
permission from me or certification by a doctor. If you do not complete an assignment, you will receive a zero (not an F).

Incompletes: Available only in special circumstances.

Cheating: Using crib notes during exams, or copying material from other sources—students, periodicals, books, or the Internet, etc.—without proper acknowledgment is cheating. These and any other forms of cheating will result at least in an F for the exercise; they may result in more serious punishment in accordance with university policy. If you have questions about proper acknowledgment, see me.

Disability: Students with disabilities should contact me for a confidential discussion of their individual needs. It is UNL’s policy to provide flexible and individualized accommodation to students with documented disabilities that may affect their ability to fully participate in course activities or meet course requirements. To receive accommodation services, students must be registered with the Services for Students with Disabilities (SSD) office, 132 Canfield Administration, (402) 472-3787.