

LAW 7026: Federal Courts/Federal Systems

Prerequisite: Constitutional Law I (LAW 1000) Co-Requisite: Constitutional Law II (LAW 1001), can be taken concurrently This course concerns Article III and the law governing the Third Branch's relationship with the President, Congress, and the state courts. We will focus particularly on issues presenting questions of the separation of powers and federalism, such as: What is the source of the judiciary's power of judicial review? What are the limits on the exercise of the judicial power of the United States? To what extent may Congress restrict federal court jurisdiction? Could Congress strip the courts of the authority to hear cases involving particular issues, such as challenges to the pledge of allegiance? When may Congress create tribunals or courts with judges lacking salary protection and tenure during good behavior? Was it constitutionally permissible to designate U.S. citizens as enemy combatants and try them before non-Article III tribunals, and does the writ of habeas corpus properly extended to alien enemy combatants? We will also discuss the constitutional and prudential justiciability doctrines, the 11th Amendment and sovereign immunity, section 1983 and Bivens claims, among others topics. Exam Info: Exam administered during exam period.

Credits: 3.0

Prerequisites:

LAW 1001 :Y