Constitutional Law I POS 4603

Cindy Benson **Hours: 9:30 – 11:00 MWF**
Howard Phillips Hall 305a (enter through 302) **1:30 -2:30 M, and by apt.**
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This course is designed to familiarize you with the manner in which the Constitution has been interpreted by the Supreme Court throughout our history. In this area of Constitutional Law, we will focus on questions surrounding the powers of the three branches of our national government and the struggles over issues of federalism – state v. national powers. We will study the Constitution, the meaning and operation of judicial review and the concept of case law by using major opinions of the Supreme Court as well as important dissents.

It is **critical** that you come to class having completed the reading assignments and case briefs and be able to take notes by hand (no computers are allowed in the classroom.) This is the **only** way you will be able to do well in this class. The material and reading load can be a bit intimidating, so please be sure you have the time and desire needed for this course – it requires a **good deal** of work on your part on an ongoing basis. If you have little knowledge of the American system of national government, I recommend you strongly reconsider your enrollment in this class. The syllabus is a **contract** so that you will know what you can expect from me and what I expect from you. If it's too much, you may want to reconsider your enrollment with this in mind as well

Study as you go along and never wait until the last minute! Each test covers a great deal of information and trying to digest it all in one evening won't be possible for a good grade.
It is also important to read not just the Court opinions themselves but also the narrative at the beginning of each topic (chapter) and before and after the case itself. This will greatly improve your understanding!

TEXT: Ducat, Constitutional Interpretation 9th edition, Vol. 1

CLASS POLICIES

I do not take attendance for points for your grade, but missing class will cost you. You will miss important information, announcements and it **will** affect your brief and class participation grades. Please get notes from someone before you see me if you find you could not attend on any given day. I don't post notes on the net, nor will mine be available to you. It is crucial that you exchange contact information with several of your classmates. I also encourage you to form your own study groups.

No electronic devices may be used in class. No computers are to be in sight, and if your cell phone rings, you stand and apologize to the class for the interruption, sing "Row Row Row Your Boat" or quack like a duck (my choice!)

Important

YOU are responsible for keeping track of your grades which will be posted throughout the semester on myUCF under the mygrades heading (not the web course link). This is imperative! For help in accessing your grades, go to https:myucfgrades.ucf.edu/help/. If you feel there has been an error in a grade and you would like me to check on for you, you must request I do so within 5 working days after the grade was posted. If you "discover" a missing or incorrect grade after that time, **no** changes

will be made. Don't procrastinate- stay current! Mistakes on my part are possible, but you must let me know in a timely manner. No exceptions, so please don't ask for one. Be sure to keep all course graded materials for your own protection.

Students who plagiarize (I assume you know what the term means) will receive an "F" for the class. Do your **own** work. Copying someone else's briefs is cheating! Do **Not** get your briefs from an internet site. I am quite familiar with them, and if you attempt to claim a brief from a website, you will receive no points for briefs and may well receive an "F" in the class. Your work must be your own. It's critical to use your own words (not just copy from the text) . I don't expect perfection , especially during the first few weeks, but I assure you, you will catch on as the semester progresses.

*****You are adults and I will treat you as such. You are responsible for knowing what is expected of you. Ask if you are unclear about what is required for this course at any time.**

GRADING

Your grade in this class will consist of three components –tests (85%), collected briefs (10%) and class participation(5%). I do not use plus or minus grades, and **No** rounding up (or down) will be done. I use the scale of:

90 -100 =A
80 - 89 = B
70 - 79 = C
60 - 69 = D
Below 60 = F

(An 89.9 is a "B")

TESTS : There will be four tests given in class, counting for 85% of your grade. They will consist of multiple choice (the class size makes all essay impossible) and short answer questions. You will need scantrons (#2052) and blue books. Make-up exams will be given for excused absences only. You must contact me within **24 hours** of missing the test. You are required to show me satisfactory evidence of your absence within one week of your return to class and the take the test within that same first week. Make-ups may be different from the original class tests. I will drop the lowest score of the first three tests, but the last test on the date and time during finals week is required to be taken.

Test topics will be over many cases and readings. Please be sure to keep up with the pace and refer to the table of cases and topics handed out in class. There is a great deal to know and understand for each test. Please be sure to check the actual work load before the end of add/drop.

BRIEFS

You are required to brief cases as you read. All briefs must be typed and you should print out two copies (one for possible collection)-I will cover this in class in further detail. A simplified brief should include:

1. Case name and date and Justice writing for the majority
2. Facts of the case (enough to provide context but all details are not always necessary)
3. Constitutional question (s)
4. Decision and rationale = a brief description of what the Court decided and why. Also note how the case fits into the doctrinal being discussed.
5. Res Judicata – the established rule of law as a result of the Court's decision.

6. Important concurring and dissenting opinions (we'll discuss when to include these in class)

Briefs

I will collect briefs on 7 occasions over the semester. I will not give the date or case in class in advance, so always bring your briefs for each case as assigned to class everyday. They must be typed and in the form of the sample brief provided. There will be some cases the text does not provide a complete a brief as is the sample I will give you. We'll discuss in class what to do when that situation arises. I will count only 5 (for 2 points each) for 10% of your grade. If you turn in and receive points for more than 5, the 1 or 2 more will be added to your brief score as extra credit. There will be no make-ups for these since you can miss two and still get full credit. There will be no exceptions to this policy. They are due in class and I do not accept them late or by email. Doing briefs is not just for "credit", so don't be upset if you do most of them required for that day and I ask for the one you don't have. Writing your **OWN** briefs is an essential skill for your own understanding.

CLASS PARTICIPATION

It is in important that you attend class and have briefed the day's cases in advance. I will call on students at random every day to provide information about the cases and topics we are discussing. This component is worth 5 points. If you are not prepared or present even one time, you will lose points. Be there and be ready!

DISCLAIMER

Students are responsible for everything discussed in class, including announced test dates and any changes I may make to the syllabus or other handouts. Everything is subject to change! This is a **4000** level class. It is not designed to be "easy". If you are coming to class as you should, you will always be given advance notice of test dates and any alterations I make to any element of the course requirements. I'm well aware of the demographics of the students who take this class – many of you are not political science majors. If you plan on going to Law School, I'd be doing you harm if I did not have strict requirements. If you're taking it because you're interested in the subject, as I was when choosing B.A. major and my advanced degree specialization, you should do just fine as well if you just do what I ask of you.

The topics and case list will let you know in class an approximate time for tests as soon as I can. I can't give definite dates in advance since each class is different and I have to spend more time explaining cases and answering questions for some than I do others.