POLS 4603: Constitutional Law I: Institutional Powers & Constraints

Department of Political Science

College of Sciences, University of Central Florida

Instructor:	Barry C. Edwards, J.D., Ph.D.	Term:	Fall 2014
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Office Hours:	TBA	Credits:	3

COURSE SYLLABUS

I. Course Description

Constitutional law addresses the contents of the U.S. Constitution and the interpretation of those contents. We will look at the organization of the United States Government (i.e., the distribution and execution of those powers); and the relations between the Government and persons under its jurisdiction (i.e., under the Bill of Rights). Under the United States' system, the chief problems of constitutional law center on the basic matter of judicial review, on relations between and among the three (3) branches of government, on the federal system's distribution of powers between the federal and state governments, and on the restrictions or limitation on government in either procedural or substantive (e.g., due process) contexts. University Course Catalog Description: Development of American federalism and national power, commerce clause, and nationalization of the economy.

II. Course Prerequisites

ENC 1102 (Freshman Composition II), POS 2041 (American National Government) or consent of the instructor. I would encourage you to take POS 4284 (Judicial Process and Politics) prior to taking this class.

III. Course Objectives

The objective of this course is to introduce you to the important role that the United States Constitution has in orienting American politics and governance. With this end in mind, we will explore the Constitution, its various interpretations, and the role of the judiciary in constitutional application, examples of the influence it has had on the function of government, and the case law that has emanated from its interpretation. The focus of this course is more than the memorization of cases and constitutional principles. Hopefully, this class will contribute to the development of your analytical and reasoning skills; the strengthening of your reading comprehension; the expansion of your vocabulary and verbal expression; the improvement of your writing skills; and the heightening of your personal expectations and discipline.

IV. Required Texts and Materials

(1) Epstein, Lee, and Thomas Walker. 2014. *Constitutional Law for a Changing America: Institutional Powers and Constraints, Eighth Edition*. Thousand Oaks, CA: CQ Press, an Imprint of Sage Publications, Inc. (hereafter "Epstein & Walker").

Additional readings will be announced and/or distributed in class. In particular, these readings will focus on rulings from the most recent Supreme Court term(s), and articles regarding the various uses of federal and state power.

V. Basis for Final Grade

Your grade is based on five components:

1. Class Participation and Attendance (15%) - Students should be prepared to discuss all assigned readings at the appropriate time. Students should share thoughtful comments and questions during class discussion and be respectful to one another. You can participate by listening and taking notes. Text messaging or surfing the web during class is not appropriate. There may also be opportunities to participate in online discussions through our webcourses@UCF page.

2. Writing Assignment (20%) – You may choose to write (1) a contemporary case history, (2) a research brief, **<u>or</u>** (3) analysis of pending case. Your paper must be between 4 and 5 pages, 12 point font, standard margins. You must submit a hard copy of your writing assignment no later than 5 pm on Wednesday, November 26, 2014. See section titled "Writing Assignment", below, for more information.

3. Midterm One (15%) – Midterm One will focus on material covered from the beginning of class to the date of the first midterm. Students can expect a mix of multiple choice, true/false, and short answer questions.

4. Midterm Two (15%) - Midterm Two will focus on material covered since the first mid-term. Students can expect a mix of multiple choice, true/false, and short answer questions.

5. Final Exam (35%) – The Final Examination is cumulative and will require students to apply their understanding of the subject matter in a constructive manner. Students can expect a mix of multiple choice, short answer, and essay questions. At least one of the essay questions will require students to apply course material to a hypothetical fact pattern.

Grading Scale.

>=93	90-92	87-89	83-86	80-82	77-79	73-76	70-72	67-69	63-66	60-62	<=59
A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F

VI. Grade Dissemination

Graded tests and materials in this course will be returned individually only by request. You can access your scores at any time using "myUCF Grades" in the portal. Please note that scores returned mid-semester are unofficial grades. If you need help accessing myUCF Grades, see the online tutorial: https://myucfgrades.ucf.edu/help/.

VII. Schedule (Subject to Revision)

Date	Before Class:	During Class:
Tues. Aug. 19	Read Epstein & Walker, pp. 1-10, 699-710, 49-56, 323-329, 567-571.	The U.S. Constitution; Overview of Institutional Powers and Constraints;
Thurs. Aug. 21	Read Epstein & Walker, pp. 11-48. Visit SCOTUS web site: www.supremecourt.gov Visit Online Con Law Resource Center for Textbook: college.cqpress.com/ sites/clca/powers.aspx	Understanding the U.S. Supreme Court

Date	Before Class:	During Class:
Tues. Aug. 26	Read Epstein & Walker, pp. 57-89	Judicial Review
Thurs. Aug. 28	Read Epstein & Walker, pp. 89-119	Constraints on Judicial Power
Tues. Sept. 2	Read Epstein & Walker, pp. 120-124, 144-182	Congress: Enumerated and Implied Powers
Thurs. Sept. 4	Read Epstein & Walker, pp. 124-144	Congressional Authority Over Internal Affairs
Tues. Sept. 9	Read Epstein & Walker, pp. 183-229	The Executive: Domestic Powers
Thurs. Sept. 11	Read Epstein & Walker, pp. 229-256	The Executive: Executive Privilege, Foreign Policy, and Impeachment
Tues. Sept. 16	Read Epstein & Walker, pp. 257-277	The Separation of Powers System in Action: Domestic Powers
Thurs. Sept. 18	Read Epstein & Walker, pp. 277-322	The Separation of Powers System in Action: War and Foreign Policy
Tues. Sept. 23	Prepare Questions for Midterm Review Session	Review for Midterm One
Thurs. Sept. 25	Prepare for Midterm One	**Midterm One**
Tues. Sept. 30	Read Epstein & Walker, pp. 330-363, 376-391	Federalism: Relative Spheres of Federal and State Power
Thurs. Oct. 2	Read Epstein & Walker, pp. 363-376	Intersovereign Litigation and the Eleventh Amendment

Date	Before Class:	During Class:
Tues. Oct. 7	Read Epstein & Walker, pp. 392-448	Historical Perspective on Congressional Authority to Regulate Interstate Commerce
Thurs. Oct. 9	Read Epstein & Walker, pp. 448-482	Modern Limits on Federal Authority Over Interstate Commerce
Tues. Oct. 14	Read Epstein & Walker, pp. 482-502	State Power to Regulate Interstate and Foreign Commerce
Thurs. Oct. 16	Read Epstein & Walker, pp. 503-515, 522-550	Federal Powers to Tax and Spend
Tues. Oct. 21	Read Epstein & Walker, pp. 550-564	State Powers to Tax and Spend
Thurs. Oct. 23	Read Epstein & Walker, pp. 515-522	Intergovernmental Tax and Regulation
Tues. Oct. 28	Read Epstein & Walker, pp. 572-604	The Contract Clause
Thurs. Oct. 30	Read Epstein & Walker, pp. 606-662	Economic Substantive Due Process
Tues. Nov. 4	Read Epstein & Walker, pp. 663-696	The Taking Clause
Thurs. Nov. 6	Prepare Questions for Midterm Review Session	Review for Midterm Two
Tues. Nov. 11	No UCF classes on Veterans' Day, Tuesday, Nov. 11th	
Thurs. Nov. 13	Prepare for Midterm Two	**Midterm Two**
Tues. Nov. 18	Readings TBA and Distributed	Emerging Constitutional Issues: National Health Care

Date	Before Class:	During Class:
Thurs. Nov. 20	Readings TBA and Distributed	Emerging Constitutional Issues: National Security and Terrorism
Tues. Nov. 25	Readings TBA and Distributed	Emerging Constitutional Issues: Taxing and Regulating the Internet
Wed. Nov. 26	**Writing Assignment Due on <u>Wednesday</u>, November 26th by 5 pm**	
Thurs. Nov. 27	No UCF classes on Thurs, Nov. 27th or Fri, Nov. 28th. Happy Thanksgiving!	
Week of Dec. 1	Prepare for Final Exam. UCF classes end on Monday, Dec. 1st	**Final Exam on Thursday, Dec. 9 at 10 am – 12:50 pm**

VIII. Writing Assignment

You may choose to write (1) a contemporary case history, (2) a research brief, **<u>or</u>** (3) analysis of pending case. You are given a choice in writing assignment so that you may write on a topic you find relevant and interesting. Pick a format and topic you find engaging and challenge yourself. Students are expected to be original, even innovative, in their writing assignments.

Your paper must be between 4 and 5 pages, 12 point font, standard margins. Your paper must cite documents other than the course textbook or web pages. You must submit a hard copy of your writing assignment no later than 5 pm on Wednesday, November 26, 2014.

(1) Contemporary Case History. It generally takes a long time for a case to reach the Supreme Court. Cases histories offer interesting insights into the legal process and legal strategy. Select one institutional powers and constraints case decided by the Supreme Court within the last ten years and write a compelling case history. A good case history will discuss the legal proceedings as well as the principle actors involved in the case.

(2) Research Brief. Groups other than the parties directly involved in a case before the Supreme Court frequently submit briefs to the Court to help it decide complicated cases. These briefs often address policy issues and offer expert analysis. For this assignment, identify a fact in dispute in an institutional powers and constraints case decided within the last ten years by the U.S. Supreme Court or pending before the U.S. Supreme Court (or a

State Supreme Court) and write a research brief addressing the controversy. Your brief should focus on evidence of an expert nature rather than legal advocacy and should cite appropriate references.

(3) Analysis of Pending Case. Constitutional questions continue to arise in federal and state courts. For this assignment, pick a case orally argued in the U.S. Supreme Court or a state supreme court that focuses on institutional powers and constraints, summarize the case history, analyze the legal arguments and relevant precedents, and discuss how you think the Court should decide the case.

Please note: I have access to Wikipedia. You are welcome to use Wikipedia (or any other resource) as a starting point for your research, but merely restating what's written about a case in Wikipedia will not satisfy the requirements of this writing assignment. Copying and pasting prior works without appropriate citation is plagiarism.

Although your writing assignment is not due until Wednesday, November 26th at 5 pm, I would strongly encourage you to avoid procrastination.

IX. Course Policies

Late Work Policy: Make-ups for in-class writing, quizzes, the midterm, or the final exam will only be allowed for official University activities or personal emergencies. Written documentation is required. Make-up assessments may be different. Essays turned in late will be assessed a penalty: a half-letter grade if it is one day late, or a full-letter grade for 2-7 days late. Essays will not be accepted if overdue by more than seven days.

Extra Credit Policy: There is no extra credit available.

Rewrites: I will allow a rewrite (with penalty) of a paper at my discretion, and this option will be offered when the paper is returned.

Grades of "Incomplete": Incomplete grades are given only in situations where unexpected emergencies prevent a student from completing the course and the remaining work can be completed the next semester. Your instructor is the final authority on whether you qualify for an incomplete. Incomplete work must be finished by the end of the subsequent semester or the "I" will automatically be recorded as an "F" on your transcript.

Essay Commentary Policy: Brief commentary on essays will be delivered in written format, at the end of the essay. Students interested in more detailed commentary are encouraged to discuss their work with the professor during office hours.

Group Work Policy: There are no group projects in this class. You are welcome to discuss course material and writing assignments with other students, but you are responsible for your own work.

Email: I may occasionally email students supplementary material or reminders about the class. I check my email regularly during weekdays and occasionally during the weekend. Students may expect an email reply by the next business day and encouraged to follow-up with me if I do not reply by the next business day.

Laptop Usage: I recommend that you take hand written notes on my lecture outlines. Educational research strongly suggests that taking notes by hand is more effective than taking notes on a laptop (see e.g. http://www.vox.com/2014/6/4/5776804/note-taking-by-hand-versus-laptop).

Classroom Devices: You are welcome to use calculators, tape recorders, other audio & technology devices for your course so long as they are not disruptive to any student in the class (including you).

Disability Access: The University of Central Florida is committed to providing reasonable accommodations for all persons with disabilities. This syllabus is available in alternate formats upon request. Students who need accommodations must be registered with Student Disability Services, Ferrell Commons Room 185, phone (407) 823-2371, TTY/TDD only phone (407) 823-2116, before requesting accommodations from the professor.

Attendance Policy: Class participation and attendance is 15% of your grade in this class.

Professionalism Policy: Per university policy and classroom etiquette; mobile phones, iPods, *etc*. **must be silenced** during all classroom and lab lectures. Those not heeding this rule will be asked to leave the classroom/lab immediately so as to not disrupt the learning environment. Please arrive on time for all class meetings. Students who habitually disturb the class by talking, arriving late, *etc*., and have been warned may suffer a reduction in their final class grade.

Academic Conduct Policy: Academic dishonesty in any form will not be tolerated. If you are uncertain as to what constitutes academic dishonesty, please consult The Golden Rule, the University of Central Florida's Student Handbook (http://www.goldenrule.sdes.ucf.edu/) for further details. As in all University courses, The Golden Rule Rules of Conduct will be applied. Violations of these rules will result in a record of the infraction being placed in your file and receiving a zero on the work in question AT A MINIMUM. At the instructor's discretion, you may also receive a failing grade for the course. Confirmation of such incidents can also result in expulsion from the University

University Writing Center: The University Writing Center (UWC) is a free resource for UCF undergraduates and graduates. At the UWC, a trained writing consultant will work individually with you on anything you're writing (in or out of class), at any point in the writing process from brainstorming to editing. Appointments are recommended, but not required. For more information or to make an appointment, visit the UWC website at http://www.uwc.ucf.edu, stop by MOD 608, or call 407.823.2197.

Religious Observances: Students are expected to notify their instructor in advance if they intend to miss class to observe a holy day of their religious faith (not already reflected in the normal class schedule). For a current schedule of major religious holidays, see the Faculty Center's main web page under "Calendars," and for additional information, contact the Office of Diversity Initiatives at 407-823-6479.